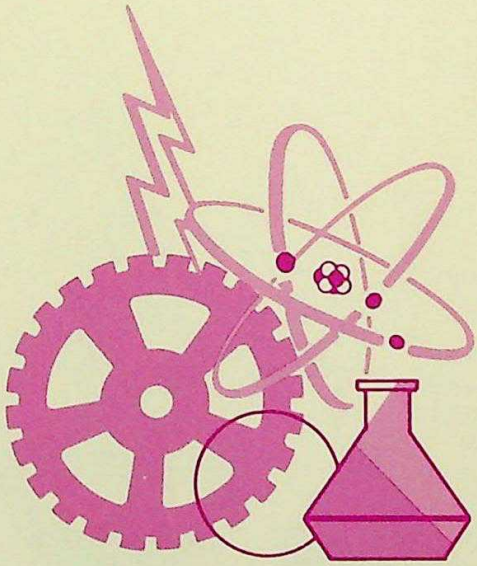
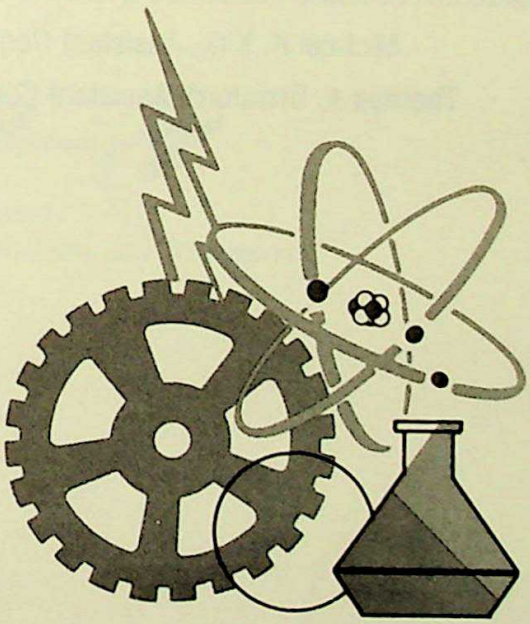
Commissioner of Patents and Trademarks



ANNUAL REPORT
FISCAL YEAR '84

Commissioner of Patents and Trademarks



ANNUAL REPORT
FISCAL YEAR '84

U.S. DEPARTMENT OF COMMERCE/PATENT AND TRADEMARK OFFICE

U.S. DEPARTMENT OF COMMERCE
Malcolm Baldrige, Secretary

U.S. PATENT AND TRADEMARK OFFICE
Gerald J. Mossinghoff, Assistant Secretary and Commissioner
Donald J. Quigg, Deputy Assistant Secretary and Deputy Commissioner
Rene D. Tegtmeyer, Assistant Commissioner for Patents
Margaret M. Laurence, Assistant Commissioner for Trademarks
Bradford R. Huther, Assistant Commissioner for Finance and Planning
Michael K. Kirk, Assistant Commissioner for External Affairs
Theresa A. Brelsford, Assistant Commissioner for Administration

January 1985

Vigorous and effective patent and trademark systems are indispensable to our economic growth and national well-being. This report describes the operations of the Patent and Trademark Office during FY 1984 and the status of the Office at the close of that year. It reviews the important steps that we are continuing to take to upgrade operations at the Office and bring about lasting and substantial improvements in our service to inventors and industry.

Assistant Secretary and
Commissioner of Patents and Trademarks

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MISSION

The United States Patent and Trademark Office administers the patent and trademark laws of the United States.

Patent laws encourage technological advancement by providing incentives to invent, invest in, and disclose new technology. The agency's primary role in administering these laws is to examine patent applications and grant patent protection for qualified inventions. The Office is also responsible for collecting, assembling and disseminating the technological information disclosed in patent grants.

Federal trademark laws promote an ordered and healthy economy by providing Federal registration. Trademarks help prevent product confusion among consumers and foster public awareness of the source of goods and services in the marketplace. The agency examines trademark applications and grants Federal registration to the owners of qualified marks. It also maintains a tribunal for resolving disputes on trademark rights.

FY '84 IN BRIEF

The Office has "turned the corner" in its patent examining operations by disposing of more applications than it receives. (On the surface, it may appear that the corner was turned in FY 1983, when the Office also disposed of more applications than it received. However, the number of applications received in FY 1983 was not a true indication of receipts. Applications that ordinarily would have been filed in the early part of FY 1983 were filed in the last month of FY 1982 to avoid the increase in filing fees that became effective October 1, 1982.) The Office also made substantial progress toward achieving the goal of reducing the pendency time of patent applications to 18 months by FY 1987 (Plan 18/87). Patent examiners disposed of 120,871 cases in FY 1984, including 113,300 utility, plant and reissue applications and 7,571 design applications. The number of applications filed was 117,985, including 109,539 utility, plant and reissue applications and 8,446 for designs. The agency issued 67,214 utility, plant and reissue patents and 4,935 design patents, for a total of 72,149. Average pendency time for patent applications, other than designs, was 25 months.

Trademark applications totaled 61,480 and registrations totaled 52,290. Examiners disposed of a record 82,130 cases. Average pendency time to registration or abandonment was 19.1 months.

A rise in the number of new patent and trademark applications filed indicates that higher processing fees that went into effect in October 1982 have not discouraged filers.

To carry out the goals of reducing pendency times, the Office hired 180 patent examiners and 20 trademark examiners during FY 1984. This brought the total strength of the patent examining corps to 1,383, including design examiners and immediate supervisors. Trademark examiners, including immediate supervisors, totaled 120 at the end of FY 1984.

Pre-examination goals for providing new patent applications to examiners within 30 days were generally maintained in FY 1984 in spite of increased application filings. Assignments were recorded below the goal levels of 25 days for the entire year. At the end of the year patent assignments were recorded and available in search files in 18 days. For trademark assignments the comparable figure was 15 days.

During the past year, the Office made impressive progress in its plans to bring about fully automated operations by 1990. The agency awarded a $300 million contract to the Planning Research Corporation of McLean, Virginia, teamed with the Chemical Abstracts Service of Columbus, Ohio, to engineer and install an automated patent processing system. Under the schedule in the automation plan submitted to Congress, one examining group, Group 220, will be automated first to serve as "proof of concept" demonstration of the system.

In the trademark area, the TCAR (Trademark Computer-Assisted Retrieval) system became operational. That system is a microfilm-based, computer-driven system which eventually will include images of all incoming trademark application papers. The Office accepted from the Systems Development Corporation the T-SEARCH system which will provide automated searching of the images and text of all U.S. registered trademarks and pending applications. The agency also accepted delivery of the electronic data base of the trademark backfile from the companies preparing them.

An important element of the patent automation effort is a trilateral agreement among the U.S., Japanese and European patent offices which was signed October 19, 1983, at the conclusion of a conference in Washington, and expanded upon in a second meeting in 1984. A major objective of the agreement is to provide to U.S. examiners and the public documentation from the other two patent offices in machine-searchable form in English.

Also in the field of international affairs, the Assistant Secretary and Commissioner of Patents and Trademarks headed the U.S. delegation to the Fourth Session of the Diplomatic Conference on the Revision of the Paris Convention for the Protection of Industrial Property. The conference ended in a stalemate because developed and developing countries could not agree on proposed provisions dealing with the exclusive compulsory licensing of patents.

The Commissioner was elected Chairman of the General Assembly by the World Intellectual Property Organization, a United Nations specialized agency that is a prime instrument for demonstrating the importance of intellectual property to developed as well as industrialized nations.

In line with Secretary of Commerce Malcolm Baldrige's goal of enhancing protection of intellectual property world-wide, the Office increased its bilateral efforts to provide training and technical assistance to developing countries in the past year.

The Office received 2,091 international applications as a receiving office under the Patent Cooperation Treaty, and completed 1,732 international search reports.

Legislation affecting the agency was more extensive in FY 1984 than at any time in more than 30 years. Major bills passed this year include measures extending the life of patents on drugs to compensate for Food and Drug Administration testing periods; establishing a new form of protection for semiconductor chips; clarifying the test for determining when a trademark has become generic; creating a defensive right to ensure freedom to practice an invention, known as a statutory invention registration; and strengthening criminal and civil penalties for trafficking in counterfeit trademarked goods.

Patent collections were made available to residents of six additional states last year, as the Office added eleven new libraries to its patent depository system, now totaling 53 institutions.

Other outreach projects included participation by staff members with exhibits in a consumers' forum in North Bergen, New Jersey; a technology exhibition in Orlando, Florida; a law day observance in Brooklyn, New York; the American Bar Association annual meeting in Chicago; and the World of Tomorrow exhibition at the California State Fair in Sacramento, which was attended by an estimated 600,000 persons.

The Second Annual Trademark Exposition July 7 and 8 at the Great Hall of the Herbert C. Hoover Building drew more than 12,000 visitors. Twenty trademark owners presented exhibits featuring their companies' trademarks. More than 70 inventors' exhibits drew capacity crowds to the 12th Annual National Inventors Expo February 11 and 12 at the Office. Four inventors were inducted into the National Inventors Hall of Fame at that time. Both expositions received extensive national coverage by the news media.

chapter one
FINANCIAL AFFAIRS

Obligations Incurred

Total obligations for the Office during FY 1984 were $175,436,784, a 15 percent increase over FY 1983 (without inflation adjustment). Compensation and benefits totalling $116,508,317 comprised 66 percent of all obligations. Printing of patents and trademarks and other reproduction costs were $15,503,897 or 9 percent of the total. Other obligations of $43,424,570 including travel, rental of space, supplies, equipment, and service contracts, were 25 percent of the agency's total obligations. By budget activity, obligations in FY 1984 were: Patent Process, $102,188,000 or 58 percent of total obligations; Trademark Process, $11,482,000 or 7 percent; Information Dissemination, $27,548,000 or 16 percent; and Executive Direction and Administration, $12,404,000 or 7 percent. Automation obligations supportive of the above four budget activities were $21,815,000 or 12 percent of total obligations. These obligations are presented in Figure 1.

Funding Sources

For FY 1984, funding for the Office totaled $193,471,322 and was comprised as follows:

$ 80,444,000: 1984 Appropriation (General Revenue Funds)
$ 2,746,226: Recoveries of Prior Year Obligations
$ 1,200,000: 1984 Supplemental Appropriation
$ 98,840,929: User Fee Receipts (Actual)
$ 106,783: Federal Reimbursements
$ 6,549,325: 1983 Unobligated Balances Carried Forward
$ 3,655,059: 1983 Fee Reserve
$ –71,000: Transfer to Department of Commerce

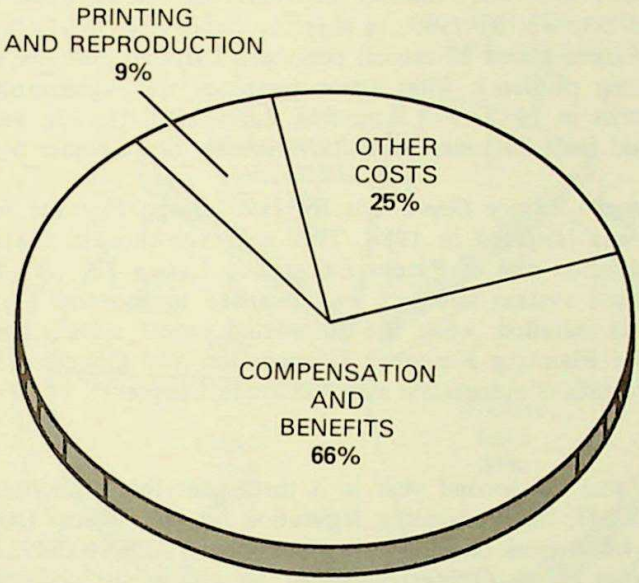
$193,471,322: 1984 Total Funding Sources

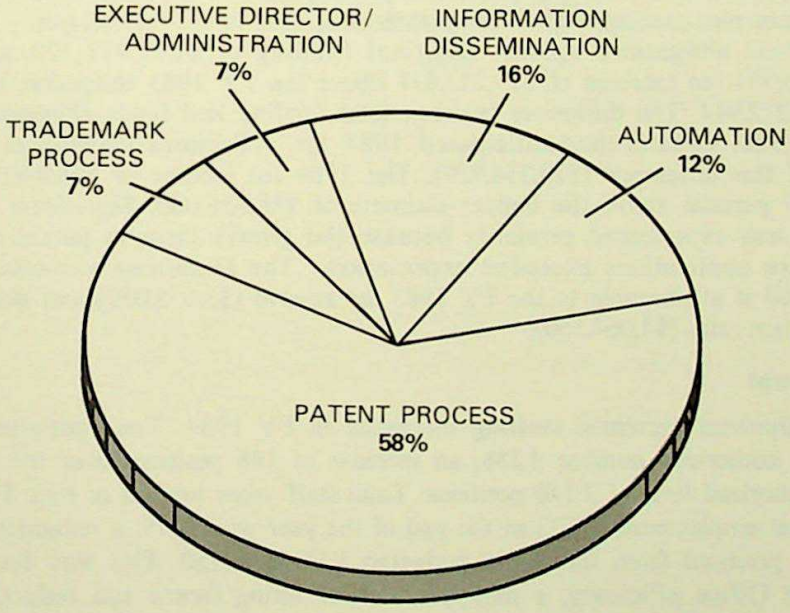
The initial FY 1984 appropriation of $80,444,000, combined with fee and other income, provided funds to meet the goals of the third year of a six-year plan designed to revitalize the Office and to automate its operations by 1990. These goals were:

To Reduce The Average Patent Application Pendency Time To 18 Months By 1987. The Office met its recruitment goal in 1984 by hiring 180 new patent examiners and 42 clerical personnel. It continued to use extensive overtime to control patent pendency. Total production units and disposal goals for the year were exceeded. First action and examiner disposal produc-

FIGURE 1

PATENT AND TRADEMARK OFFICE
FY 1984 OBLIGATIONS
($175,436,784)





tion increased by 4.6 percent and 13.4 percent, respectively, over 1983. For the first time, the agency "turned the corner," producing more disposals than receipts. Additionally, pendency began to drop in 1984 from 25.5 months at the beginning of the year to 25.0 at the end of the year. Both achievements indicate strong progress toward achieving the "18 by 87" goal. Further details will be found in Chapter 5.

To Reduce Trademark Pendency To Three Months To First Action And 13 Months To Disposal By 1985. In support of this goal, the Office hired 22 trademark examiners, added 20 clerical personnel, and used extensive overtime to continue reducing pendency. First action pendency was significantly reduced from 8.3 months in 1983 to 5.3 months during 1984, while pendency to disposal dropped from 20.3 months to 19.1 months. See Chapter 6 for further details.

To Automate Agency Operations By 1990. Stage 1 of the Automation Master Plan was initiated in 1984. This calls for the automation of the trademark operation and of Patent Examining Group 220. An automated trademark search system contract was awarded to Systems Development Corporation and installed, while the automated patent system contract was awarded to the Planning Research Corporation and Chemical Abstracts Service. More details of automation activities are in Chapter 4.

Fees

FY 1984 was the second year in a three-year fee cycle mandated by Public Law 97-247, the authorizing legislation for the Office. During 1984, fees collected from users of agency services totaled $98,840,929, and represented 56 percent of the Office obligations. Details on fee collections are in Table 4. Figure 2 shows that in FY 1984 patent process fees accounted for 74 percent of total fees received; trademark process fees, 17 percent; service and related fees, nine percent. Figure 3 illustrates obligation versus fee receipts.

Actual obligations against the total funding of $193,471,322 were $175,436,784, an increase of $23,223,837 above the FY 1983 obligation level of $152,212,947. The difference between total funding and funds obligated is $18,034,538. Greater-than-anticipated 1984 fee collections accounted for much of this difference ($10,314,929). The 1984 fee income of $98,840,929 was 11.7 percent above the budget estimate of $88,526,000. Significant fee revenue was experienced primarily because the growth rates in patent and trademark applications exceeded expectations. The remaining variance of $7,719,609 is attributable to the FY 1983 fee reserve ($3,655,059) and delays in obligation rates ($4,064,550).

Employment

Authorized personnel staffing increased in FY 1984. Total permanent positions authorized number 3,286, an increase of 146 positions over the FY 1983 authorized level of 3,140 positions. Total staff years worked or Full Time Equivalent employment (FTE) at the end of the year was 3,079, a reduction of 71 FTE positions from the initial budgeted FTE of 3,150. This was due to increased Office efficiency, a mid-year clerical hiring freeze and reduction-in-force, and higher-than-expected professional attrition within the Patent Examining Corps.

FIGURE 2

PATENT AND TRADEMARK OFFICE
FY 1984 INCOME FROM FEES
($98,840,929)

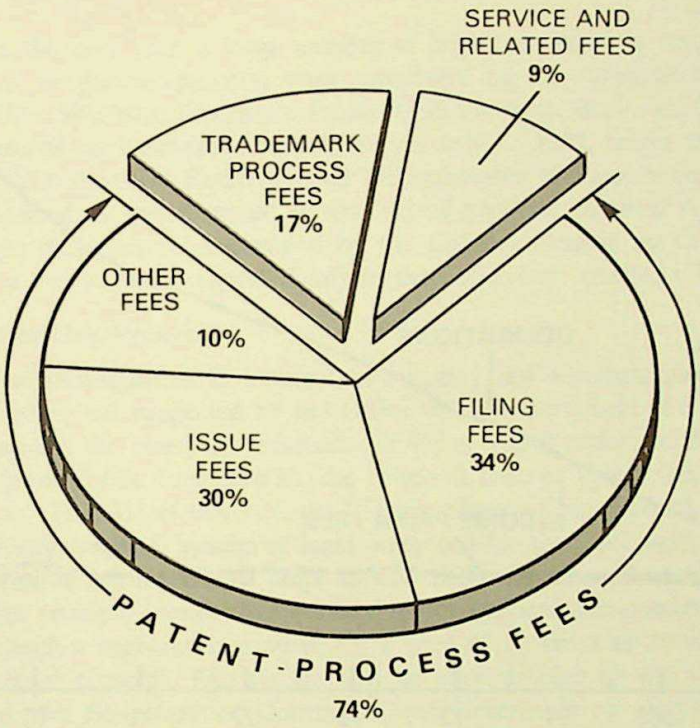
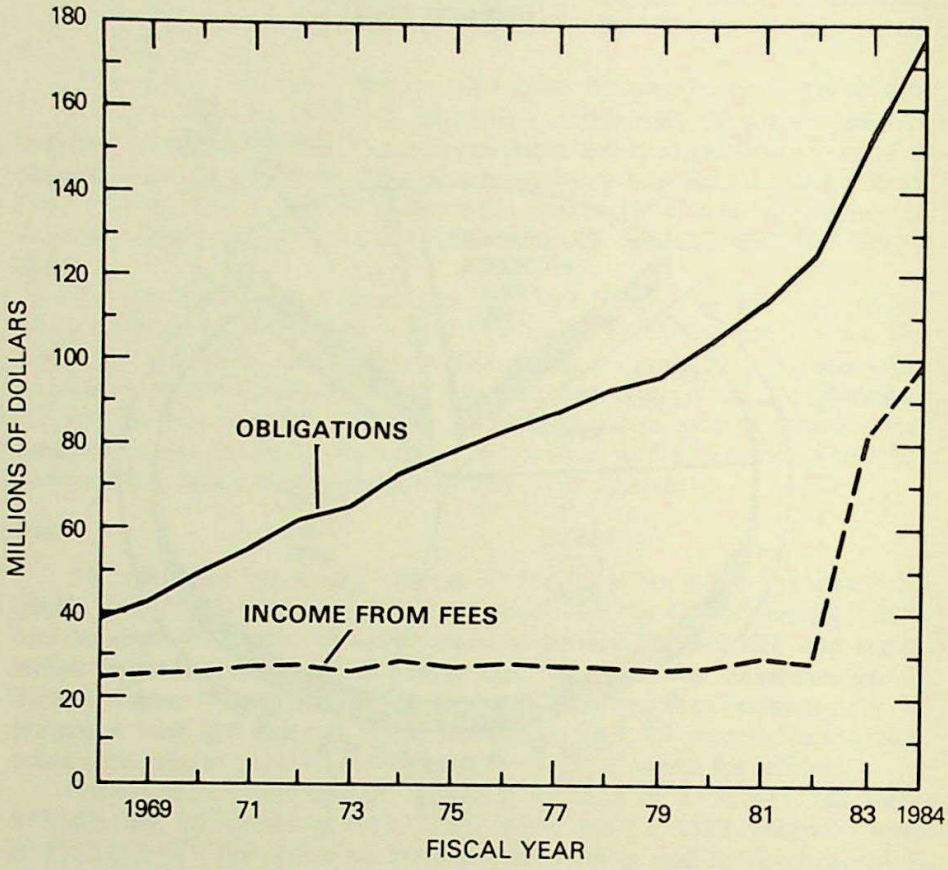


FIGURE 3

INCOME AND OBLIGATIONS (1968-1984)



chapter two
LEGISLATION

During the past year, a large number of legislative items to improve the protection of intellectual property were considered by the Administration and Congress. The Working Group on Intellectual Property, established by the Cabinet Council on Commerce and Trade on July 1, 1983, under the chairmanship of the Assistant Secretary and Commissioner of Patents and Trademarks, continued its consideration of intellectual property matters. A number of legislative proposals recommended by the Cabinet Council on Commerce and Trade as well as some supported only by the Office were enacted into law.

Semiconductor Chip Protection

A major development in intellectual property law recommended by the Cabinet Council and supported by the Office was the enactment of a new law to protect against the piracy of semiconductor chips. The President on November 8, 1984, signed Public Law 98-620, the "Federal District Court Organization Act of 1984." Title III of this Act, the "Semiconductor Chip Protection Act of 1984," provides a special system of legal protection for the mask works used in the production of semiconductor chips as well as for the chips themselves. The act provides prompt, inexpensive protection for original semiconductor chip designs through a registration system, for a term of 10 years as recommended by the Cabinet Council. The system will be administered by the Copyright Office, but the Secretary of Commerce will determine its availability to foreign nationals. Authority to make that determination has been delegated to the Assistant Secretary and Commissioner of Patents and Trademark. A foreign national whose home country's laws extend similar protection to U.S. nationals will have access to the act and may obtain protection on an interim basis if the country undertakes good faith efforts to provide protection for mask works of U.S. nationals.

Trademarks and Other Industrial Property Rights

P.L. 98-620 includes several other provisions relating to patent and trademark rights.

Title I, the "Trademark Clarification Act of 1984," amends the Lanham Act to preclude use of a "purchaser motivation" test used by the Ninth Circuit Court of Appeals to determine when a trademark becomes generic. This title requires courts to use the traditional test of whether the public recognizes the trademark as identifying a service or product as emanating from a particular source. The Commissioner testified in support of this clarifying amendment.

Title IV effects procedural and technical improvements applicable to the United States Court of Appeals for the Federal Circuit. Appeals in patent and trademark cases are simplified by eliminating the requirement for appellants to file reasons for appeal with the Office and the automatic requirement for the agency to furnish certified copies of all papers to the Court. The Assistant Commissioner for Patents testified on behalf of the Office in favor of these provisions.

Counterfeiting

On October 12, 1984, the President signed into law P.L. 98-473, which includes the "Trademark Counterfeiting Act of 1984." This legislation had been generally endorsed by the Cabinet Council, and the Office worked very closely with the Congress during the past two years to obtain its approval. The new law imposes heavy criminal penalties for trafficking in goods or services which bear a counterfeit mark. These penalties can amount to a fine of as much as one million dollars and fifteen years' imprisonment for individuals. Civil penalties, also provided, can include the recovery by the trademark owner of treble damages and attorney's fees. *Exparte* seizure orders are specifically authorized, subject to procedural safeguards.

This legislation will help stem losses to U.S. industry through counterfeiting. The act will also protect public health and safety by removing from the marketplace inferior counterfeit goods, which have ranged from pacemakers to aircraft parts.

Patent Term Extension

P.L. 98-417, the "Drug Price Competition and Patent Term Restoration Act of 1984," was signed by the President on September 24, 1984. It extends the patent term for pharmaceuticals and other products subject to Food and Drug Administration regulatory review up to five years to compensate at least partially for delays in commercializing these inventions on account of Federal premarketing clearance procedures. This part of the act had been endorsed by the Cabinet Council on Economic Affairs and was strongly supported by the Office.

The Act also establishes an accelerated procedure for clearance for generic drug manufacturers to market drugs previously approved by the FDA. Generic manufacturers are no longer required to duplicate the expensive and time consuming testing procedures previously conducted by the original developer of the drug and approved by the FDA.

Under the new law, the patent owner seeking a patent term extension must apply to the Commissioner within a specified time. The act additionally amends the infringement provisions of the patent laws to limit the *Roche v. Bolar* decision of the Court of Appeals for the Federal Circuit so that the making, using or selling of a patented drug by someone other than the patentee solely to meet Federal testing requirements will not constitute infringement.

Patent Law Reform

P.L. 98-622, signed by the President on November 8, 1984, the "Patent Law Amendments Act of 1984," incorporates a number of significant amendments to the patent law. Many of these amendments were introduced at the request of the Office, and all of them were supported in testimony by the Commissioner.

The new law closes a loophole in the patent law by which competitors of the owner of a patent for a machine could substantially make the invention in the U.S. but avoid infringement by completing the last step of assembly abroad. This loophole was identified in a 1972 decision of the U.S. Supreme Court *(Deepsouth v. Laitram,* 406 U.S. 518) involving the offshore assembly of a shrimp peeling machine patented in this country but not in the country of assembly.

Another feature of the new law is establishment of a statutory invention registration system which provides defensive protection only. A statutory invention registration will have the same prior art effect as a patent in preventing others from later patenting the same invention. This alternative form of protection will provide the defensive protection actually needed where the owner, as with most Government-owned inventions, does not intend to enforce exclusive patent rights.

Each statutory invention registration will be published without examination and will be faster and cheaper to obtain than a patent. The specification and drawings for a statutory invention registration are the same as for a patent. No maintenance fees will be required.

This new law also addresses problems of patenting inventions arising from corporate or team research (*In re Bass,* 177 USPQ 178). The act modifies the requirement of nonobviousness to avoid problems caused when an invention results from background technology known only within an organization. This secret "prior art" sometimes prevented the grant of a patent and deprived the public of the new technology. The new law also eliminates legal requirements which demanded, for instance, the filing of a number of applications in order to cover a jointly invented invention or, in some situations, even precluded complete patent coverage. The new law recognizes joint inventorship in situations where the joint inventors did not physically work together or make the same type or amount of contribution to the invention. Another improvement included in P.L. 98-622 allows parties to an interference to settle their dispute by arbitration as an alternative to expensive and time consuming litigation or administrative proceedings. The opportunity for arbitration was already available to disputants over patent validity or infringement issues. Arbitration of interferences under this new law is subject to the provisions of Title 9, United States Code.

A very significant section of this law merged the Board of Appeals and the Board of Patent Interferences to create a Board of Patent Appeals and Interferences. This new board, with its combined administrative authority over both interferences and appeals from examiners' final decisions denying a patent, will improve the efficiency by which both types of cases are handled.

This new law also contains a number of amendments to the patent law to allow the U.S. fully to implement rule changes made under the Patent Cooperation Treaty.

First Sale of Audio Works

P.L. 98-450, enacted on October 4, 1984, the "Record Rental Amendment of 1984," modifies the "first sale" doctrine of the copyright law (title 17, United States Code) to prohibit the rental of tapes and records without authorization of the copyright holder. This change was supported by the Cabinet Council on Commerce and Trade and in testimony by the Commissioner. Prior to enactment of this law, the purchaser of a phonorecord could rent it to others in competition with the sale of the original recording, thus depriving the copyright owner of a royalty. This law assures copyright owners the exclusive right to authorize the rental, lease or lending of their records for purposes of indirect or direct commercial advantage.

Other legislative proposals involving intellectual property considered by Congress but not enacted include:

Amending the Freedom of Information Act to clarify the Government's obligation to protect proprietary business information and trade secrets, endorsed by the Cabinet Council on Commerce and Trade;

Amending the antitrust laws to clarify conditions on the licensing and misuse of intellectual property and to strengthen process patent protection, endorsed by the Cabinet Council on Legal Policy;

Implementing Chapter II of the Patent Cooperation Treaty; and

Amending the copyright law's first sale doctrine to prohibit the rental of video works without the copyright owner's authorization, supported by the Cabinet Council on Commerce and Trade.

chapter three

INTERNATIONAL COOPERATION

Revision of the Paris Convention

The Fourth Session of the Diplomatic Conference on the Revision of the Paris Convention was held in February and March 1984. The United States delegation successfully directed its efforts to promoting a consensus on a compromise proscribing altogether the grant of compulsory exclusive licenses by Paris Union member states. The compromise would have permitted, in specified conditions, the forfeiture of patents in developing countries after five years for failing to work the patented invention. Developing countries, in turn, would not have been required to comply with the provisions of Article 5*quater* of the Paris Convention regarding process patents.

While agreement on the compromise on compulsory exclusive licensing could not be reached by all countries, the developed countries did agree on the compromise rejecting compulsory exclusive license and developed a new Article 10*quater* concerning geographical indications.

The Fourth Session of the Conference recommended that a Fifth Session not be held until there are some prospects in sight for agreement and requested that an extraordinary session of the Paris Union Assembly (the governing body of the Paris Convention) be convened to establish a "machinery for consultations" in order to reach positive results. The assembly agreed to hold a consultative meeting for this purpose during the first half of 1985.

Trilateral Conference on Automation

Officials of the European Patent Office, the Japanese Patent Office and the United States Patent and Trademark Office met in Munich, Germany on October 1 and 2, 1984, to expand upon the cooperation in the automation of the three offices which was agreed to at their first Trilateral Conference held in Washington in 1983. The meeting concluded with the signing of a memorandum of understanding which reaffirmed the agreements reached at the 1983 conference and added agreements on data exchange standards and the exchange of statistical information. In addition, plans for data exchange and the exchange of search results were expanded.

Agreement was also reached on guidelines for the dissemination to the public of exchanged data. Of particular importance was an agreement to cooperate in the capture, storage and exchange, in standard machine-readable format, of the bulk of the world's patent literature, in particular, that major portion designated by the Patent Cooperation Treaty (PCT) as the "minimum documentation" which must be maintained by PCT-recognized international

searching authorities. The offices further agreed to the continued exchange of specialists and to joint projects to study chemical patent coding and the harmonization of patent practice.

Patent Cooperation Treaty

On July 27, 1984, the President requested the Senate's advice and consent to withdraw the United States' reservation concerning Chapter II of the Patent Cooperation Treaty. During the spring of 1984, the Office reached an agreement in principle with the European Patent Office that would serve as the international preliminary examining authority for patent applications of U.S. origin. The Administrative Council of the European Patent Office ratified that agreement. Initially, until the U.S. is in a position to serve as an international preliminary examining authority, the European office will examine 500 cases per year for U.S. applicants, but only cases in which they have served as an international searching authority. This initiative will eventually bring to United States industry the full benefits of the treaty.

Brussels Satellite Convention

On October 12, 1984, the Senate gave its advice and consent to United States adherence to the Convention for the Protection of Programme Carrying Signals Transmitted by Satellite—The Brussels Satellite Convention. Adherence to this convention obligates each member state to take adequate measures to prevent the unauthorized interception and distribution of satellite transmittal programming on or from its territory. Adherence was supported by the Cabinet Council on Commerce and Trade, on the recommendation of the Working Group on Intellectual Property.

International Cooperation and Training

The Office has actively worked with other countries to improve intellectual property protection available to U.S. nationals worldwide. The Office provided training and technical assistance to eleven developing countries and the African Intellectual Property Organization. The Administrator for Documentation helped China establish documentation centers in Beijing and six other cities. The Office provided collections of United States patents to aid the Chinese and Indonesian patent offices in establishing effective documentation centers. Experts from the Office visited Argentina, Mexico and Paraguay to assist in the automation of their patent and trademark systems.

A Government-private sector delegation led by the Office visited Taiwan to assist the American Institute in Taiwan in presenting U.S. concerns about the counterfeiting of goods as well as other issues involving effective protection for intellectual property. The Office has also participated in bilateral trade discussions with officials of Hungary, Romania and Yugoslavia.

The Office continued to participate in the joint U.S.-Japan Working Group on High Technology Industries. This working group was established to insure that trade in high technology products between the two countries is on an even footing without artificial restraints or barriers. The Office cooperated

closely with the Office of the United States Trade Representative to persuade Japan to retain protection for computer software under the copyright law.

International Code of Conduct on the Transfer of Technology

An international Code of Conduct on the Transfer of Technology is being negotiated under the auspices of the United Nations Conference on Trade and Development (UNCTAD). The code is intended to facilitate technology transfer agreements between countries by various means, such as discouraging certain restrictive business practices and enumerating responsibilities and obligations of the parties to transactions involving transfers of technology.

The Fifth Session of the U.N. Conference, from October 17 to November 4, 1983, failed to resolve the major outstanding differences between the negotiating partners. As a consequence, the U.N. General Assembly scheduled a Sixth Session in early 1985. Given the wide divergence of positions, especially in the areas of restrictive business practices and applicable law, it is unclear whether significant progress can be achieved at the next session.

Other International Activities

The Office continued its participation in the World Intellectual Property Organization's Permanent Committee on Patent Information, the Permanent Committee for Development Cooperation, meetings of experts on various aspects of intellectual property protection, and other activities. Among the topics considered was adoption of a grace period. The U.S. sought to extend the benefits of a grace period, already available to applicants for U.S. patents, to patent applicants worldwide.

chapter four
AUTOMATION

FY 1984 saw the continuation of major accomplishments in the implementation of the Office's long-range automation master plan. The plan, submitted to Congress on December 13, 1982, describes the conceptual framework for a fully automated, "paperless" office by 1990. The work to achieve this goal was divided into four major areas: Trademark Automation, Patent Automation, Data Base Automation and ADP Support Systems, each of which is discussed below.

Trademark Automation

Full automation of trademark functions involved completing TRAM II (the Trademark Registration Application Monitoring System), creating an electronic data base and acquiring a search and retrieval subsystem. The key to the automated trademark system architecture is the TRAM II data base, which is maintained on the Burroughs 7700 computer system. TRAM II was completed on schedule in April 1983. It provides for tracking the movement of applications using bar code readers for entry, corrections, and retrieval of data through electronic terminals on a local communications network, and for retrieval, display, and printing of complete trademark records.

The trademark data base consists of three major components: basic bibliographic records, searchable text records, and design marks that are recorded as digitized image facsimiles. To create and maintain the trademark data base, two independent processes were needed: one for the creation of the backfile and another for on-going data conversion. The Office entered into cooperative agreements with three private trademark search firms to create the electronic trademark data base. Compu-Mark of Belgium agreed to key the entire backfile of registrations and other data. Thomson and Thomson of Boston, Massachusetts, agreed to code the design marks, using an adaptation of the World Intellectual Property Organization design codes, and to digitize the images into electronic facsimilies, from both the backfile and the prospective file for the next ten years. TCR of Croton, New York, agreed to key the new applications and other data for the next ten years. These agreements completed the plans for the creation and maintenance of the trademark electronic data base. By the end of FY 1984, more than 90 percent of the contractor tapes had been delivered.

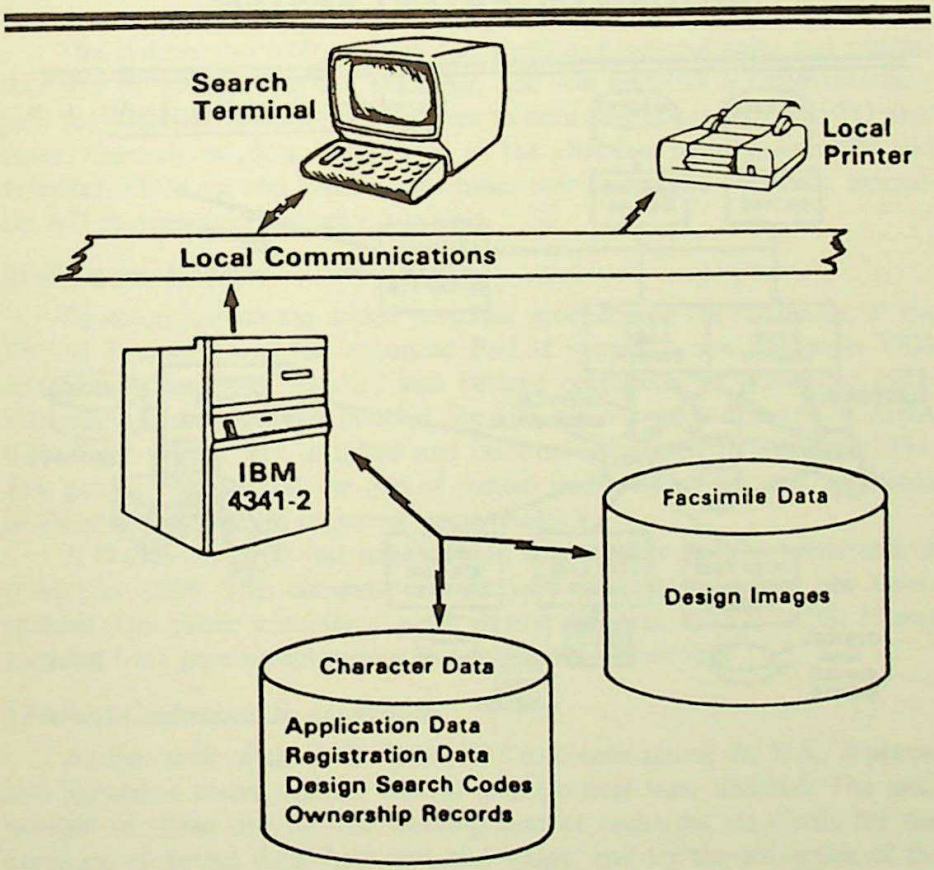
A new Trademark Computer Assisted Retrieval (TCAR) system was purchased and installed in November 1983 to support the continuing data capture process, to provide a means of making a permanent copy of all

trademark documents received by the Office, and to provide a means for automated retrieval of case records. This system, which became functional in February 1984, allows easier access to pending case documents.

An RFP (request for proposal) for a trademark search system was issued in May 1983. Proposals were received in August and a contract was awarded to Systems Development Corporation (SDC) of Camarillo, California, in December 1983. The automated search system (TSEARCH) which operates on an IBM 4341-2 computer system, provides the capabilities to search on any of the data items comprising the trademark registration using Boolean logic to perform automatic phonic searches. Retrieval of design facsimiles will be based on an index of design codes. Both the registration record and the designs will be presented on the same electronic display connected to the search computer by a local communications network. The search computer was installed in March 1984 and test operations began in May, several months ahead of the original schedule. Terminals were installed in June and examiners began some automated searching in July. Figure 4 depicts the Trademark Search System.

FIGURE 4

TRADEMARK SEARCH (T-SEARCH)

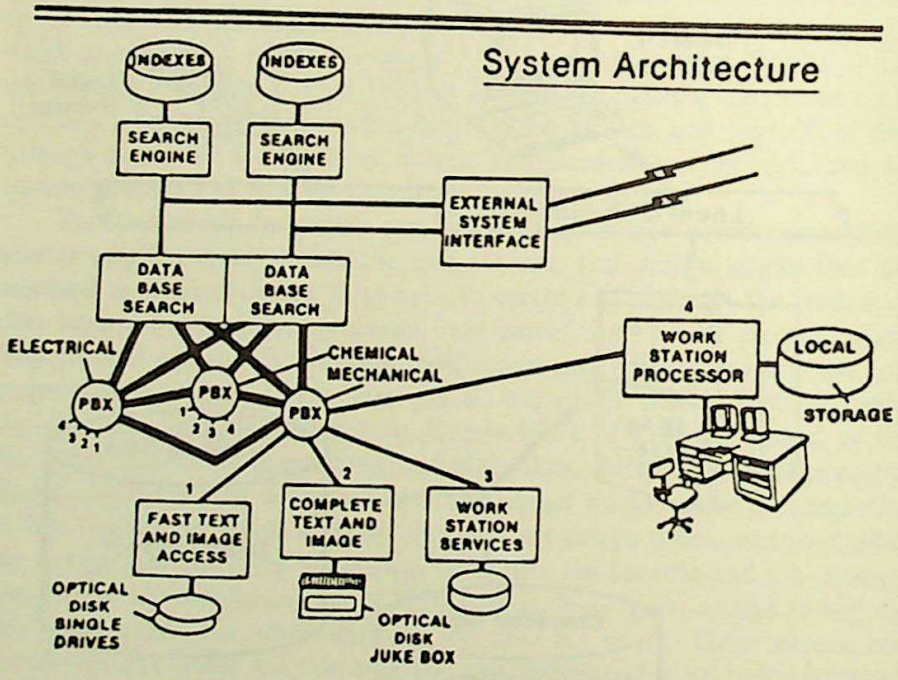


Patent Automation

Detailed user requirements of the Automated Patent System (APS) were completed in early 1983. In April 1984, a contract was awarded to Planning Research Corporation (PRC) of McLean, Virginia, to buy the necessary equipment, supply the required software and integrate the automated patent system. Chemical Abstracts Service (CAS) of Columbus, Ohio, teamed with PRC as the principal subcontractor. CAS, a not-for-profit arm of the American Chemical Society, has developed and will provide the majority of the computer software, including modifications or further development that may be necessary to handle the special requirements of the Office.

The general architecture of the APS consists of two major subsystems: (1) the capture of text and images in computer processible form and (2) the retrieval of that information and other automated data through electronic workstations over a local communications network. Together, these subsystems will satisfy the needs for communicating with clients by paper or electronically and they will provide the photocomposition tape used to print the *Official Gazette* and patent grant documents. Figure 5 depicts the system architecture.

FIGURE 5
AUTOMATED PATENT SYSTEM



Data Base Automation

Specifications for the conceptual design, and the technical and performance features for the Data Input Output System (DIOS) were prepared. In March 1984 an RFP for the Image Capture and Processing System (ICAPS) was released. It was subsequently cancelled because of decisions regarding APS image data requirements. It was to be released in a revised form in November 1984. Specifications for a separate procurement for the conversion of all U.S. patent and trademark documents into digital image form were prepared in September 1984, and a competitive procurement was to be issued in October 1984. Final specifications for the conversion of the text of newly filed applications into computer processible form was scheduled for completion in December 1984. All DIOS contracts are scheduled to be awarded prior to the implementation of the first stage of the APS System.

Access to the various data base components will be through two principal types of indexes maintained by APS. One will be used to locate text and image data based on the words that are contained in the character part of the data base, i.e., full text search. This is similar to systems such as LEXIS and DIALOG. The other type of index will provide identification of documents on the basis of other information, such as the U.S. Patent Classification System or the International Patent Classification System. With such indexes, the documents that are so indexed can be identified and retrieved.

The system also will maintain the identity of external bases and systems that will be available to the examiner, and will establish a communications path for accessing them as if they were to be a part of the internal PTO data bases. Commercial data bases, such as the chemical registry, scientific and technical abstracts, and similar data bases now being used by patent examiners, will be accessible through this system.

ADP Support Systems

To accommodate the added workload generated by the installation of the TRAM II system and the enhanced PALM system, a new Burroughs 7700 computer system was installed and became operational in November 1983. The conversion more than doubled the Office's computer capacity. A Xerox 8700 laser printer was installed and became operational in February 1984. This printer has reduced the cost of printed forms, which can now be printed on lower cost paper, and improved report quality.

A Burroughs 6900 was installed and scheduled to become operational in November 1984. This computer will be used for program testing and development and other processing work during the transition to APS. It was acquired from government surplus at a substantial cost savings.

Trilateral Conference On Automation

As the result of the 1983 Trilateral Conference among the U.S., Japanese and European patent offices, several joint projects were initiated. The most notable of these are for the development of technical standards for the exchange of patent data, both text and image, and for the conversion of the

patent backfiles into machine readable form. An agreement has been reached on most data interchange standards and the offices are cooperating in conversion of the data bases. These efforts are highly signficant in that each office will undertake and share with the other offices their backfiles in an agreed-upon format.

chapter five
PATENTS

Patent Examining

Substantial progress was made toward achieving the Office goal of reducing pendency time to 18 months by FY 1987 (Plan 18/87). The Office disposed of more cases than it received, and pendency time started to diminish in FY 1984.

Patent Applications

A total of 117,985 patent applications were filed in FY 1984. This number includes utility, reissue, plant and design applications, but excludes international filings in the Office as a receiving authority under the Patent Cooperation Treaty. The number represents an increase of 12,281 from the number filed in FY 1983. Of this number, 109,539 were utility, reissue and plant applications. Over the last three fiscal years, a total of 323,718 utility, reissue and plant applications were filed for an average of 107,906 applications per year.

Figure 6 illustrates historical trends in patent applications filed and pending, as well as patents issued.

Figure 7 shows that the percentage of applications submitted by residents of foreign countries was 42.5 percent of all U.S. filings, up from the percentage in FY 1983.

Patents Issued

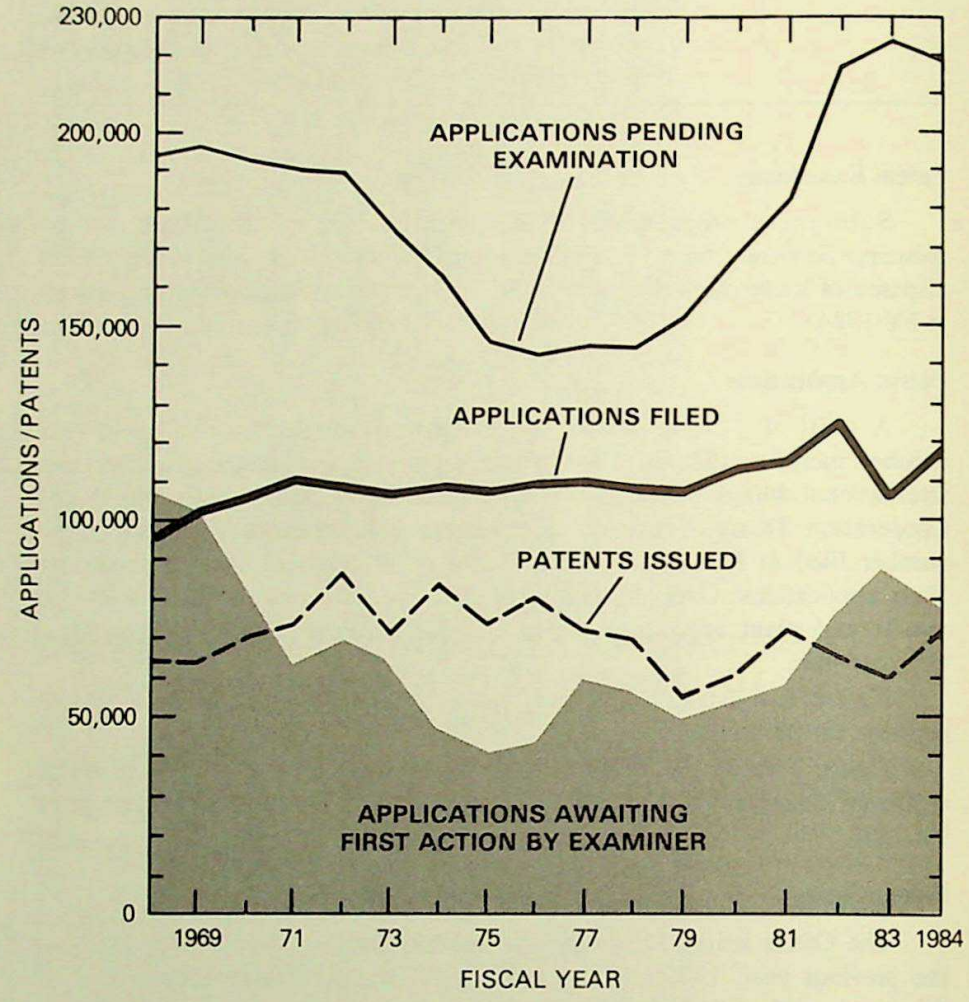
The Office issued 72,149 patents in FY 1984, an 8 percent increase from the previous year. Utility, plant, and reissue patents accounted for 67,214 of this total, with 4,935 design patents being issued. The number of patents issued to residents of foreign countries, shown in Figure 7, was 30,087 and was 41.7 percent of all patents issued, compared with 41 percent of the patents issued in FY 1983.

Patent Pendency

The time to process a patent application from filing to issue or abandonment is called the "patent pendency time." The average patent pendency time decreased during FY 1984 to 25.0 months for utility, plant, and reissue patents from 25.5 months for the previous year. The average pendency time for design patents was 28.6 months for FY 1984 compared to 28.1 months for FY 1983.

FIGURE 6

PATENT APPLICATIONS FILED, PENDING AND ISSUED (1968-1984)



The inventory of applications in the examining corps decreased by 2,487 for all applications including designs. The total Office inventory at the end of FY 1984 was 260,443 applications including designs, down from 262,930 in FY 1983. The average time that it took for an applicant to get a first response from the Office on the merits of a utility, plant or reissue application decreased from 13.1 months to 11.6 months. Figure 8 is a flow chart showing the stages, and the FY 1984 pendency time for each stage, in the patent examining process. Figure 9 illustrates the trends in pendency time over the past several years. (Also see Tables 5 through 9.)

Patent Examiners

The patent examining corps was restructured and moved to meet the needs of the public, changing technology and workload requirements. The restructuring and move included three major aspects. The first major aspect involved a rebalancing of the examining corps to more accurately reflect anticipated workloads and better associate related arts. To this end, the five existing chemical groups were rearranged into four chemical groups, i.e., Groups 110, 120, 130, and 150. In addition, a new electrical Group 260 was assembled from components drawn from the other electrical groups. The second aspect involved the creation of additional art units to provide appropriate supervision for the enlarged examining corps. These new art units have been distributed throughout the groups as dictated by anticipated supervisory workloads. There are now a total of 104 art units including two design art units. The third aspect involved the physical relocation of many persons and search files. The relocation and other changes are identified in the *Official Gazette* of June 19, 1984 (1043 O.G. 23).

In support of Plan 18 by 87, the Office hired 180 patent examiners during FY 1984. With 124 attritions from the patent examining corps, and others who took other positions in the Office, the number of examining professionals (excluding supervisors) totaled 1,253 at the end of FY 1984 (see Chapter 7).

FIGURE 7

U.S. PATENT APPLICATIONS FROM, AND PATENTS ISSUED TO, RESIDENTS OF FOREIGN COUNTRIES (1968-1984)

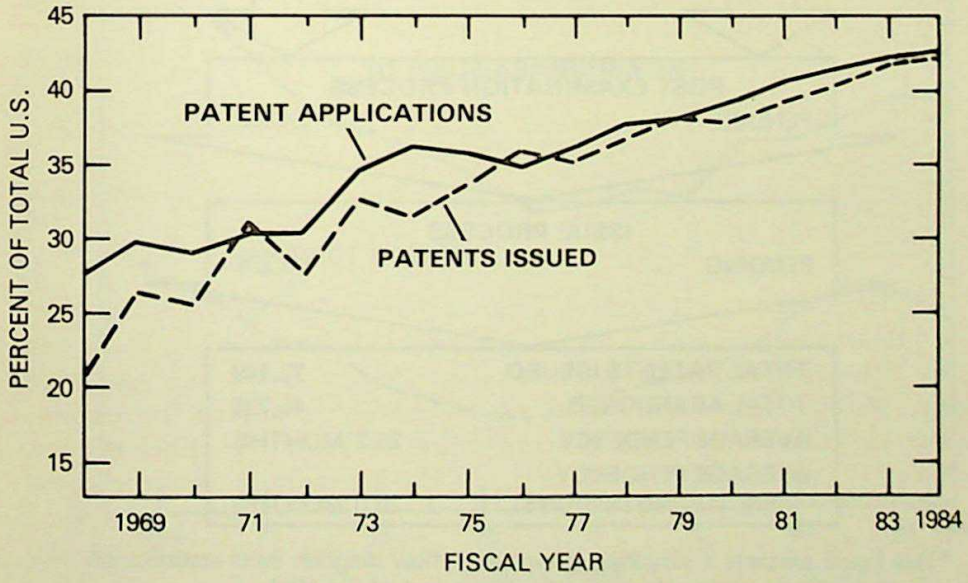
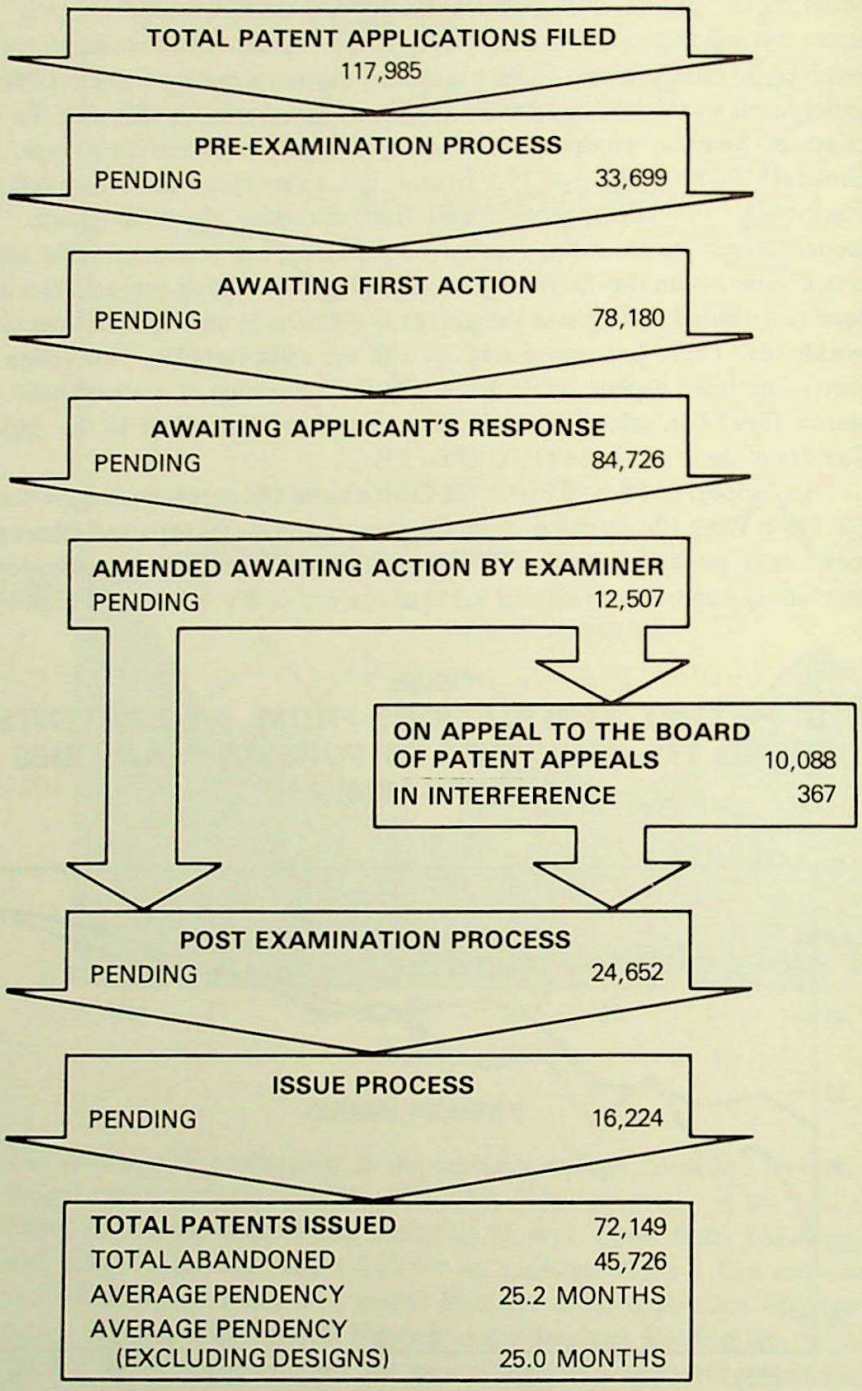


FIGURE 8

PATENT EXAMINING ACTIVITIES*



*This figure presents a simplified patent work-flow diagram with statistics on cases at various stages of processing at the end of FY 1984.

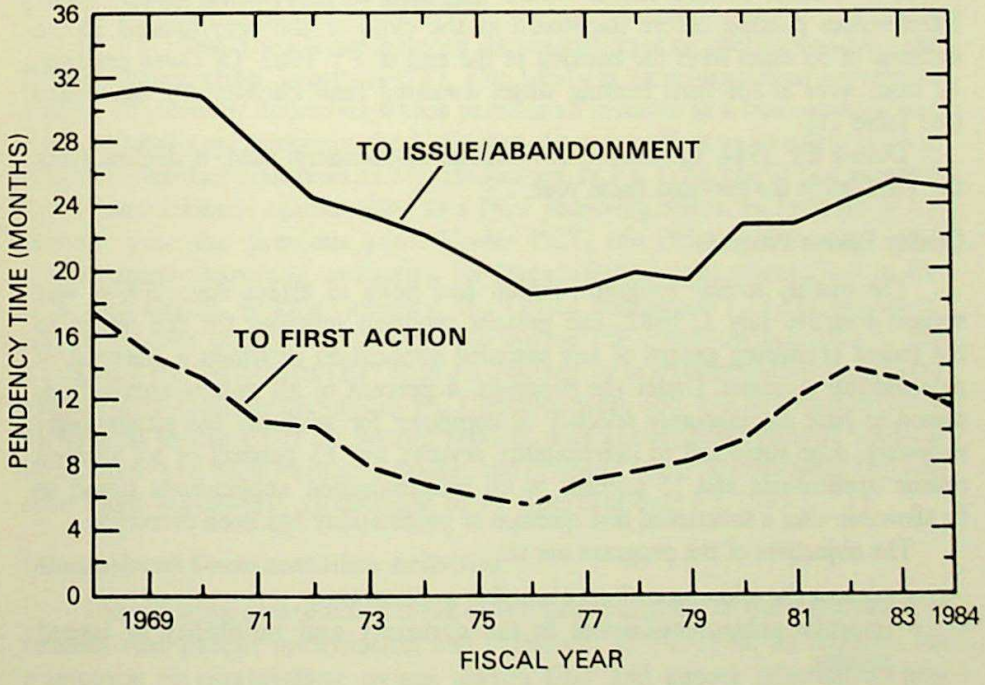
In FY 1982, the Office began a new program to provide for examiners' visits to industrial facilities where the technology in which they specialize is developed and used. Under the program, U.S. industry is making facilities available and contributing to an examiner education fund. A total of 240 examiners took part in the program during FY 1984. Plans call for each examiner to make at least one corporate tour over a three-year period to both large and small technical facilities in the same geographical area. To avoid the possibility that contributors might influence decisions on specific applications, supervisors assigning examiners to visit specific facilities and the examiners making the site visits do not know the identities of companies that have made contributions.

Reexamination

P.L. 96-517, enacted early in FY 1981, allows a patent owner or a competitor to request the Office to "reexamine" an issued U.S. patent and rule on whether it should be amended or cancelled because of evidence of earlier patents or printed publications cited as the basis for reexamination. This procedure is faster and considerably less expensive than resolution of patent validity issues in litigation. The procedure also permits a review of the patent and the cited art by a patent examiner who is familiar with the technology in question. This should benefit the courts in their handling of patent cases.

FIGURE 9

PENDENCY TIME OF PATENT APPLICATIONS (1968-1984)



During FY 1984, the Office received 189 reexamination requests, of which 79 were filed by patent owners. Of the 189 cases, 51 are known to be in litigation. A substantial new question of patentability has been found, and reexamination ordered, in 45 cases. The Office denied reexamination in 24 cases (see Table 10). Reexamination was completed and certificates issued in 132 cases. Of those completed, patentability of all the patent claims was confirmed in 22 cases; claims were modified or added and patentability confirmed on some existing or modified or added claims in 88 cases; and all claims were cancelled in 22 cases.

Board of Appeals

The Board of Appeals received 4,553 appeals during the year and disposed of 3,716 appeals, so that the number of appeals pending increased 837 to 5,898. At the end of FY 1984 the pendency time for an appeal at the Board of Appeals averaged about nineteen months starting from the time the Board obtained jurisdiction over the appeal. It is noted that the Board of Appeals does not obtain jurisdiction of an appealed application until it is forwarded to the Board by the examining group. This is usually about six months after the filing of the notice of appeal because of the time periods involved in filing the brief and the examiner's answer.

Interferences, Reissues

A patent "interference" is a proceeding for determining priority of invention between two or more pending applications, or between a recently issued patent and one or more pending applications, all of which are claiming the same patentable invention. Interferences are heard and decided by the Board of Patent Interferences, which disposed of 245 cases in FY 1984. Interferences pending before the Board at the close of the year totaled 367, a decrease of 53 cases from the backlog at the end of FY 1983. Of those pending, 12 cases were at the final hearing stage, awaiting final decision by the Board (see Table 11).

During FY 1984, there were 281 reissue applications filed, a decline from the 370 filed in the previous fiscal year.

Quality Review Program

The quality review program, which had been in effect since 1974, was revised effective July 1, 1982. The present program provides for the return to the patent examining groups of any sampled application in which a question of patentability is raised. Under the program, 4 percent of all patent applications passed to issue are randomly selected by computer for study by the patentability reviewers. Also subjected to patentability reviews are 15 percent of all allowed reissue applications and 15 percent of all reexamination applications found to be allowable after a substantial new question of patentability has been overcome.

The objectives of the program are to:

- prevent the allowance of unpatentable applications;
- improve public confidence in the certainty and reliability of issued patents;

- detect trends away from normal examining practice;
- feed back information to the patent examining corps;
- emphasize to the patent examining corps the importance of quality; and
- compile data on the "quality" of the patent examination process.

In FY 1984, the second full year of operation of the expanded quality review program, reviews were completed in 2,850 utility applications, 278 (9.7 percent) of which were returned to the examining groups with questions of patentability. Prosecution was reopened in 215 of the 278 applications. Further searches were conducted by the groups in 113 applications which were returned by the patentability reviewers with questions of adequacy of search. Prosecution was reopened in two of these applications as a result of new art discovered during further searches. Thus, prosecution was reopened in 217 (7.6 percent) of the 2,850 applications reviewed.

Results of the quality review program provide useful feedback to management on the reliability of issued patents and the uniformity of examination practices. The results assist immediate supervisors of patent examiners in reviewing the quality of examiner work and in standardizing examiner application of patent laws. These supervisors, of course, play a key role in monitoring patent quality.

Office of The Solicitor

The Office of the Solicitor received 170 new cases, disposed of 149, and had 128 cases pending at the end of FY 1984. Information on cases in litigation in selected U.S. courts will be found in Table 28.

Patent Cooperation Treaty Functions

In FY 1984, the Office entered its seventh year of operations under the Patent Cooperation Treaty (PCT). The treaty is an international agreement among 37 member countries which permits an inventor or a business to file an international application in the U.S. with the same effect as an application in as many member countries as are designated. In FY 1984, the Office received 2,091 international applications as a PCT receiving office, an increase of 5.7 percent over the previous year. Under PCT, the Office also serves as an international searching authority for international applications filed in the U.S. and Brazil. In this capacity, the Office completed 1,732 international search reports during FY 1984. Also during FY 1984, the selection of the European Patent Office (EPO) as an alternative searching authority became available to U.S. applicants in PCT applications, and 472 applications were forwarded to the EPO for search reports. The agency also received notification that it had been named a designated office in 3,253 international applications filed worldwide, an increase of 17.5 percent over FY 1983.

International Documentation Activities

The growing awareness among developing countries of the importance of patents and patent information was reflected, in FY 1984, by requests for assistance in establishing patent search files and patent information pro-

grams. In response to such requests and in cooperation with the World Intellectual Property Organization (WIPO), expert assistance in patent documentation matters was provided to Korea, Indonesia, and the Peoples Republic of China.

Patent documentation matters also played an important role in the developing trilateral cooperation among the U.S., European and Japanese patent offices. Several areas of cooperation in documentation were included in the second Memorandum of Understanding signed by the Heads of the three offices on October 2, 1984.

The International Patent Classification Group continued activities aimed at achieving revision of the International Patent Classification (IPC) system to reflect more closely the structure of the U.S. Classification System.

The Office continued its participation in international documentation matters through membership activities in WIPO organizations, including those activities associated with the Permanent Committee on Patent Information.

Patent Search File Integrity

Critical to the reliability of an issued patent is the completeness of the patent search file. In 1978 the Office initiated a file integrity program under which, through FY 1983, almost five million U.S. patents in the most active subclasses were reviewed and the accuracy of the associated computer record was improved. During FY 1984, the Office reviewed approximately 607,000 search file documents, and approximately 24,000 patent copies were added to the file to replace missing or mutilated documents.

An accurate computer record of search file content is an essential prerequisite for the creation of an automated search file. Current file integrity upgrading is being coordinated with automation program scheduling to assure that the computer record is corrected in advance of search file conversion.

Reclassification

Periodically, selected portions of the patent search file are reviewed to determine the need for new classifications which better correspond to the state of technology. These ongoing reclassification programs constitute an analysis of all patents in a given technology. The Office then restructures the classification system for the new technology to increase the access to and the reliability of the patent search file.

Continued throughout FY 1984 was the additional program implemented in FY 1982 to reduce substantially the number of undefined subject matter breakdowns existing in the classification system. This program improves the quality of document placement in these subclasses, makes them available to the public in the Public Search Room, and will provide for a smoother transition to an automated search file.

The FY 1984 reclassification programs established 2,368 new subclasses and involved 398,528 U.S. and foreign patents. See Table 16 for details. These data do not include the classification and processing of 254,617 new unique foreign patents to the Examiner Search File.

Patent Depository Library Program

Eleven libraries began acquisition of a collection of U.S. patents in numerical order and were designated as Patent Depository Libraries (PDLs) during FY 1984. The establishment of the following new PDLs provides access to patent information for the first time to six additional states and brings the total number of libraries in the PDL Program to 53:

Auburn University Libraries in Alabama;

University of Idaho Library in Moscow;

Engineering Transportation Library of the University of Michigan in Ann Arbor;

University of New Mexico Library in Albuquerque;

Sterling C. Evans Library of the Texas A&M University in College Station;

Illinois State Library in Springfield;

Engineering and Physical Sciences Library of the University of Maryland in College Park;

San Diego Public Library in California;

Montana College of Mineral Science and Technology Library in Butte;

Marriott Library of the University of Utah in Salt Lake City; and

Miami-Dade Public Library in Florida.

The 53 PDLs, located around the country in most of the major metropolitan areas, centers of research and technology, or academic institutions of 34 states, make a patent collection available within their own state to 87 percent of the total U.S. population.

A list of the PDLs is printed nearby. For updated information on these libraries and additional PDLs designated periodically, see the listing published as a continuing notice in the *Official Gazette.*

During FY 1984, the Office continued to provide to all PDLs free access to the Classification And Search Support Information System (CASSIS). Through CASSIS, users can obtain information previously available only in the agency's Public Search Room in Arlington, Virginia.

CASSIS presently enables the user to obtain lists of patents assigned given classifications, obtain original and cross-reference classifications of given patents, view the structured titles of classifications, search for key words in those classification titles, and search on key words in patent abstracts and on key terms in the *Index to the Patent Classification.* Additional enhancements to CASSIS are planned for implementation in the next fiscal year.

The Office held the Seventh Patent Depository Library Conference from May 22-24. Forty-one librarians attended the conference, representing 35 PDLs. On May 21 a Pre-Conference Workshop was conducted in addition to the various conference training sessions.

The PDL Fellowship Program was continued in FY 1984. It was established during FY 1983 to enable a librarian from one of the PDLs to be selected to work for up to two years at the Office in the PDL Program office. The term for the first PDL Fellow, James A. Arshem of the Denver PDL, was extended for a second year.

Under a Department of Commerce Strategic Planning Objective to increase the dissemination of technical information contained in patents, the Office continued significant efforts to increase the number of PDLs, including participating in two national library association annual conferences, conducting regional workshops and university seminars, and enhancing CASSIS.

PATENT DEPOSITORY LIBRARIES

ALABAMA
Auburn University Libraries*
Birmingham Public Library

ARIZONA
Tempe—Science Library, Arizona State University

CALIFORNIA
Los Angeles Public Library
Sacramento—California State Library
San Diego Public Library*
Sunnyvale—Patent Information Clearinghouse

COLORADO
Denver Public Library

DELAWARE
Newark—University of Delaware Library

FLORIDA
Miami-Dade Public Library*

GEORGIA
Atlanta—Price Gilbert Memorial Library, Georgia Institute of Technology

IDAHO
Moscow—University of Idaho Library*

ILLINOIS
Chicago Public Library
Springfield—Illinois State Library*

INDIANA
Indianapolis-Marion County Public Library

LOUISIANA
Baton Rouge—Troy H. Middleton Library, Louisiana State University

MARYLAND
College Park—Engineering and Physical Sciences Library, University of Maryland*

MASSACHUSETTS
Boston Public Library

MICHIGAN
Ann Arbor—Engineering Transportation Library, University of Michigan*
Detroit Public Library

MINNESOTA
Minneapolis Public Library and Information Center

MISSOURI
Kansas City—Linda Hall Library
St. Louis Public Library

MONTANA
Butte—Montana College of Mineral Science and Technology Library*

NEBRASKA
Lincoln—Engineering Library, University of Nebraska—Lincoln

NEVADA
Reno—University of Nevada Library

NEW HAMPSHIRE
Durham—University of New Hampshire Library

NEW JERSEY
Newark Public Library

NEW MEXICO
Albuquerque—University of Mexico Library*

NEW YORK
Albany—New York State Library
Buffalo & Erie County Public Library
New York Public Library, The Research Libraries

NORTH CAROLINA
Raleigh—D.H. Hill Library, North Carolina State University

OHIO
Cincinnati & Hamilton County Public Library
Cleveland Public Library
Columbus—Ohio State University Libraries
Toledo/Lucas County Public Library

OKLAHOMA
Stillwater—Oklahoma State University Library

PENNSYLVANIA
Cambridge Springs—Alliance College Library
Philadelphia—Franklin Institute Library
Pittsburgh—Carnegie Library of Pittsburgh
University Park—Pattee Library, Pennsylvania State University

PATENT DEPOSITORY LIBRARIES—Continued

RHODE ISLAND
Providence Public Library

SOUTH CAROLINA
Charleston—Medical University of South Carolina Library

TENNESSEE
Memphis & Shelby County Public Library

TEXAS
Austin—McKinney Engineering Library, University of Texas
College Station—Sterling C. Evans Library, Texas A&M University*
Dallas Public Library
Houston—Fondren Library, Rice University

UTAH
Salt Lake City—Marriott Library, University of Utah*

WASHINGTON
Seattle—Engineering Library, University of Washington

WISCONSIN
Madison—Kurt F. Wendt Engineering Library, University of Wisconsin
Milwaukee Public Library

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* New Patent Depository Libraries added in FY 1984.

Scientific Library

Computerized searching in the Scientific Library increased significantly in FY 1984. Over 250 data bases cover the sciences and technologies, with approximately 70-90 data bases each for the chemical, electrical, and mechanical arts. Chemical structure and non-structure data bases are also accessed for the examining groups. Experimental projects involving two examining groups were initiated by the Scientific Library. Expert searchers are sent to the groups to lecture and assist the examiners in performing their own searches.

In FY 1984 the Scientific Library installed an automated on-line catalog which permits author, title, call number, keyword and subject searches. Presently, it contains records for all books and journals cataloged by the Scientific Library since 1977. This automated system can be accessed in the Examining Groups as well as in the Scientific Library. It is also available to the public.

The Scientific Library contracted out several of its functions in the maintenance and operation of its stacks and microfilm collections.

A facsimile (FAX) transceiver was installed in the Translations Branch during FY 1984. The FAX is used primarily for rush orders to and from the PTO's translation contractor.

A new position was created in the Scientific Library for an on-line training coordinator. The on-line training coordinator develops, administers, and maintains a program for development of examiner proficiency in on-line literature searching of the commercial data bases.

The newly-developed special collections of literature for genetic engineering and robotics are now available in the Scientific Library. These areas of rapidly-expanding technologies receive a high degree of interest and meet an important need for information. This information was unavailable as a set anywhere prior to the development of these collections and their placement in the Scientific Library.

For statistical data on continuing activities of the Library and additions to its collections see Table 17.

National Inventors Day

Four inventors were inducted into the National Inventors Hall of Fame at the 12th annual Inventors Day ceremonies February 12. Guest speaker was Dr. William E. Thornton, NASA astronaut and inventor. The observance included an Inventors Expo at which 70 individuals and corporations exhibited patented inventions. The Expo was attended by capacity crowds and received wide national and international coverage by electronic and print news media. The four inductees were:

- William M. Burton, honored posthumously for his invention "Manufacture of Gasoline," patent No. 1,049,667, issued in 1913.
- Wallace H. Carothers, honored posthumously for his invention of nylon, covered in patent Nos. 2,130,947 and 2,130,948 issued in 1938.
- Philo T. Farnsworth, honored posthumously for his "Television System" invention, patent No. 1,773,980, issued in 1930.
- Theodore H. Maiman, honored for his "Ruby Laser Systems," patent No. 3,353,115, issued in 1967.

chapter six
TRADEMARKS

Trademark Applications

Applications to register trademarks increased 21 percent in FY 1984 to 61,480. Part of this large increase was due to unusually low FY 1983 filings which had resulted from the rush to file before new fees took effect in October 1982. However, the long-term trend is for increased filings (1984 is 81 percent up from 10 years ago). Foreign filings totaled 8,680, an increase of 45 percent from the 6,006 applications by foreign residents in FY 1983.

Figures 10 and 11 show historical trends in trademark applications and registrations.

Trademark Registration

Trademark registrations were up to a record 52,290 in FY 1984. The increase resulted from higher output by the trademark examining staff. The process of printing trademark registrations and the trademark section of the weekly *Official Gazette* remained at a normal level in most of 1984, with two issues of nearly double size in September.

The Trademark Examining Operation disposed of a record 71,493 applications and took first actions on a record 72,953 applications, which suggests the number of registrations will increase in 1985.

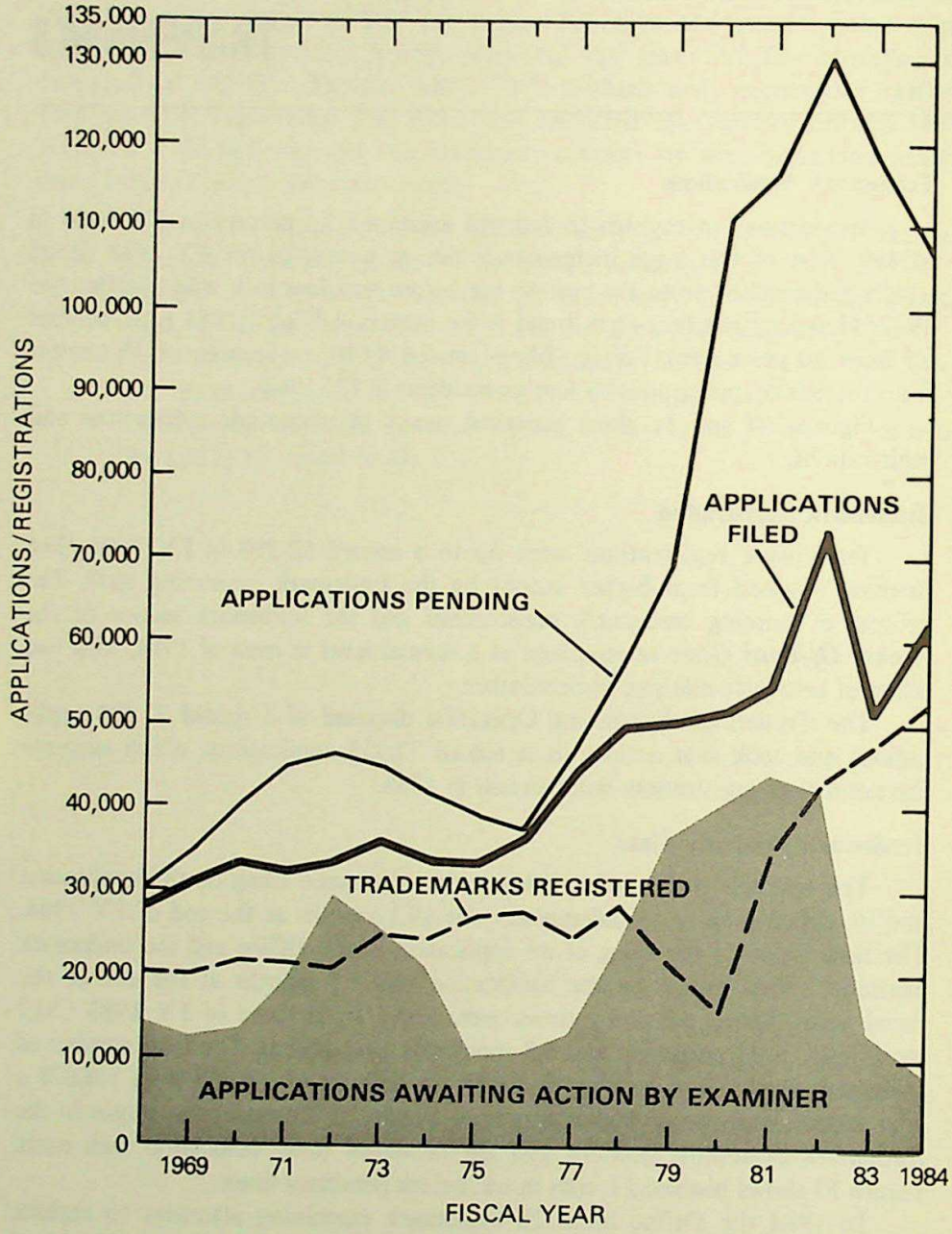
Trademark Pendency Time

The average trademark pendency time (between filing of the application and its registration or abandonment) was 19.1 months at the end of FY 1984. The time between the filing of an application in the Office and the trademark examiner's first action on the application was 5.3 months at the end of the fiscal year. These pendency times were down from those of FY 1983 (20.3 months for total pendency and 8.3 months to first action). The total number of trademark applications pending in the Office declined to 106,585 from 118,878 a year earlier, because of higher disposals. Figure 12 illustrates the stages in the trademark examining process, and the pendency times associated with each. Figure 13 shows historical trends in trademark pendency times.

In 1984 the Office hired 20 trademark examining attorneys to replace those leaving. There were no new positions established in 1984. The staff increased to a record high of 112 examiners, compared to an average of 104 in 1984, 92 in 1982 and 80 in 1981. In 1984, the attrition rate for examiners declined from the high level of 1983. Hires included 70 percent women and minorities, and two experienced examiners were re-hired.

FIGURE 10

TRADEMARK APPLICATIONS FILED AND PENDING, AND TRADEMARKS REGISTERED (1968-1984)



Examination Quality

As part of a continuing effort to improve quality of examination, several new programs have been initiated, and previous steps continued.

Managing attorneys are now scrutinizing a quality sample of all work by each examiner, as well as reviewing all applications approved for publication. This helps to identify and correct examiners who are weak in certain areas, and produces a high quality level of publications in the *Official Gazette.*

A legal lecture series has been instituted on an almost monthly schedule. Most of the speakers are experts from outside the agency who address legal issues of current interest to keep examiners up-to-date on the latest legal developments.

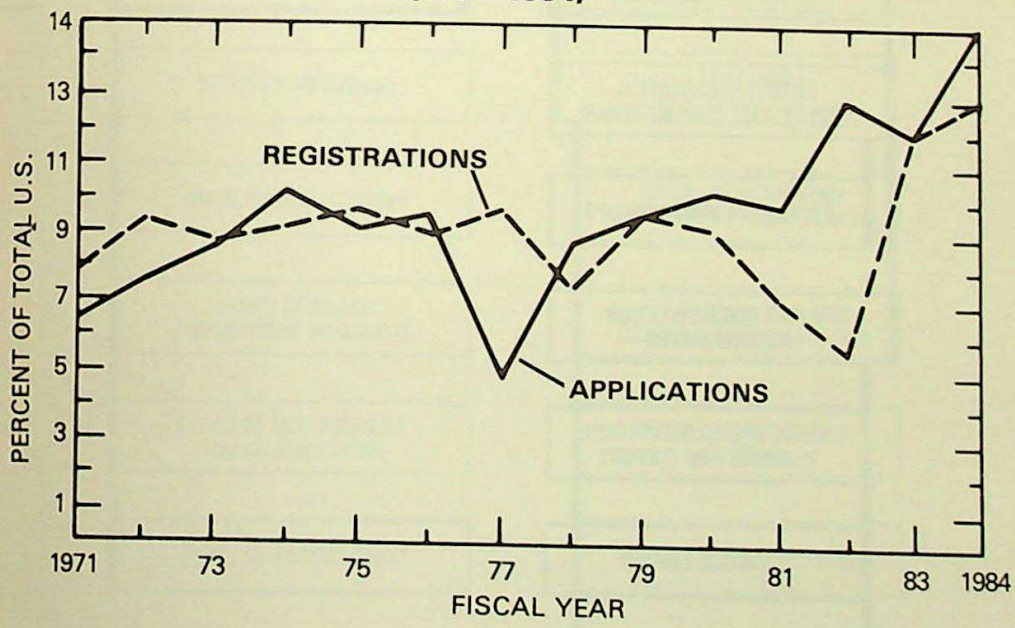
In prior years, the LEXIS/NEXIS data bases were acquired. Additional data bases, including PATLAW and DIALOG, have been made available to examiners this year, and a third terminal to access commercial data bases has been acquired. Examiners are strongly encouraged to use the commercial data bases to check for prior or generic use in their searches.

Several changes mentioned in the classification section, i.e., designation of certain senior examiner-attorneys to check identification of goods and services and the publication, "Identification of Goods and Services," are also expected to improve quality by improving consistency.

An oversight committee was established to examine policies and procedures, and to review "Examiner Guidelines."

FIGURE 11

U.S. TRADEMARK APPLICATIONS AND REGISTRATIONS FROM ABROAD (1971-1984)



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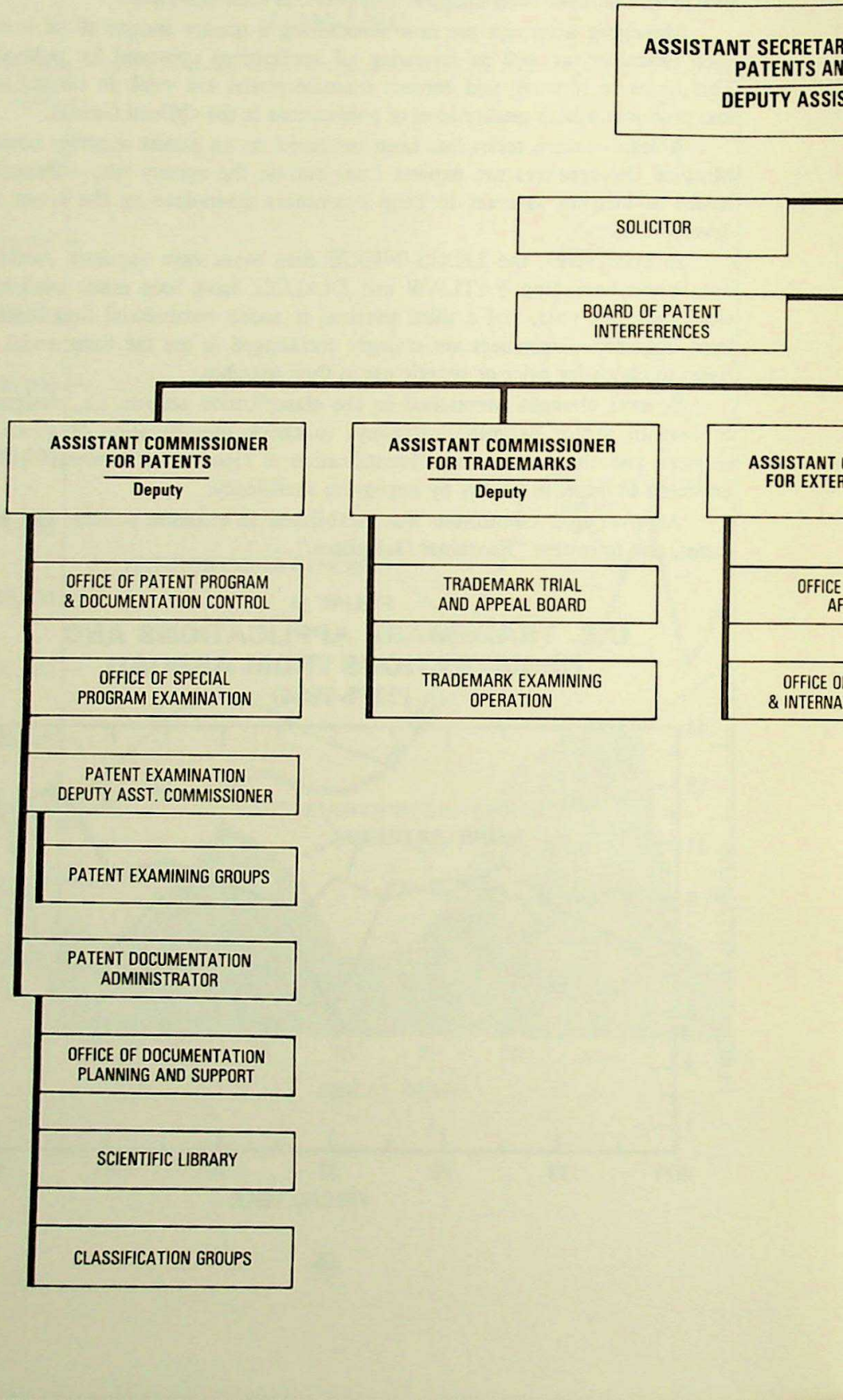

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OFFICE OF ENROLLMENT
AND DISCIPLINE

BOARD OF APPEALS

OFFICE OF
QUALITY REVIEW

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**ASSISTANT COMMISSIONER
FOR ADMINISTRATION**
Deputy

OFFICE OF GENERAL SERVICES

OFFICE OF PATENT AND
TRADEMARK SERVCIES

OFFICE OF PERSONNEL

OFFICE OF PUBLICATIONS

OFFICE OF EQUAL
EMPLOYMENT PROGRAMS

OFFICE OF MANAGEMENT
AND ORGANIZATION

OFFICE OF PROCUREMENT

**ASSISTANT COMMISSIONER
FOR FINANCE AND PLANNING**

OFFICE OF BUDGET, PLANNING
AND EVALUATION

OFFICE OF FINANCE

AUTOMATION
ADMINISTRATOR

OFFICE OF TECHNOLOGY
ASSESSMENT AND FORECAST

OFFICE OF AUTOMATION
CONCEPTS IMPLEMENTATION

OFFICE OF MICROGRAPHIC
SYSTEMS

OFFICE OF SEARCH SYSTEMS

OFFICE OF AUTOMATIC
DATA PROCESSING

Continuing quality efforts included reviewing samples of examined applications before making decisions on promotions and requiring examiners up for promotion to the journeyman level (GS 13) to submit a dossier of cases. The *Official Gazette* continued to be reviewed each week to locate clear errors in determining whether marks were merely descriptive of the goods or service. Merely descriptive marks were withdrawn from publication and the examination reopened.

The Office continued its program for sending examiners to trade shows and exhibitions relating to the industries covered by the classes in which they examine. Examiners also attended seminars, continuing legal education courses and graduate courses in trademark law.

A number of trademark personnel were speakers or panelists at meetings such as the United States Trademark Association and American Bar Association annual meetings, paralegal seminars, Patent and Trademark Law Associations, and Patent, Trademark and Copyright Sections. These both keep the public current with Office practice, and Office personnel sensitive to public opinion and problems.

The Office continued to issue examination guidelines to the examiners to obtain more uniformity of practice. These will be incorporated into the next revision of the *Trademark Manual of Examining Procedures*. The lead attorneys, in addition to examining, train junior examiners, advise on problems concerning classification and identification of goods and services, and recommend changes in examining practice and procedure. Revision No. 5 to the *Trademark Manual of Examining Procedure* was published. This contains changes in practice as a result of recent amendments to the trademark rules, as well as clarifying matters of existing examining practice.

The Office continued its emphasis on complete first actions by examiners. The goal is to complete the examining process quickly, consistent with giving the applicant a fair opportunity to respond and make a complete record. Examiners are now required to act on amended cases no more than two months after receipt of the applicant's response. Consequently, on the average, the oldest amended case in the law offices at the end of the year which was awaiting action by an examiner had been in the Office 1.6 months.

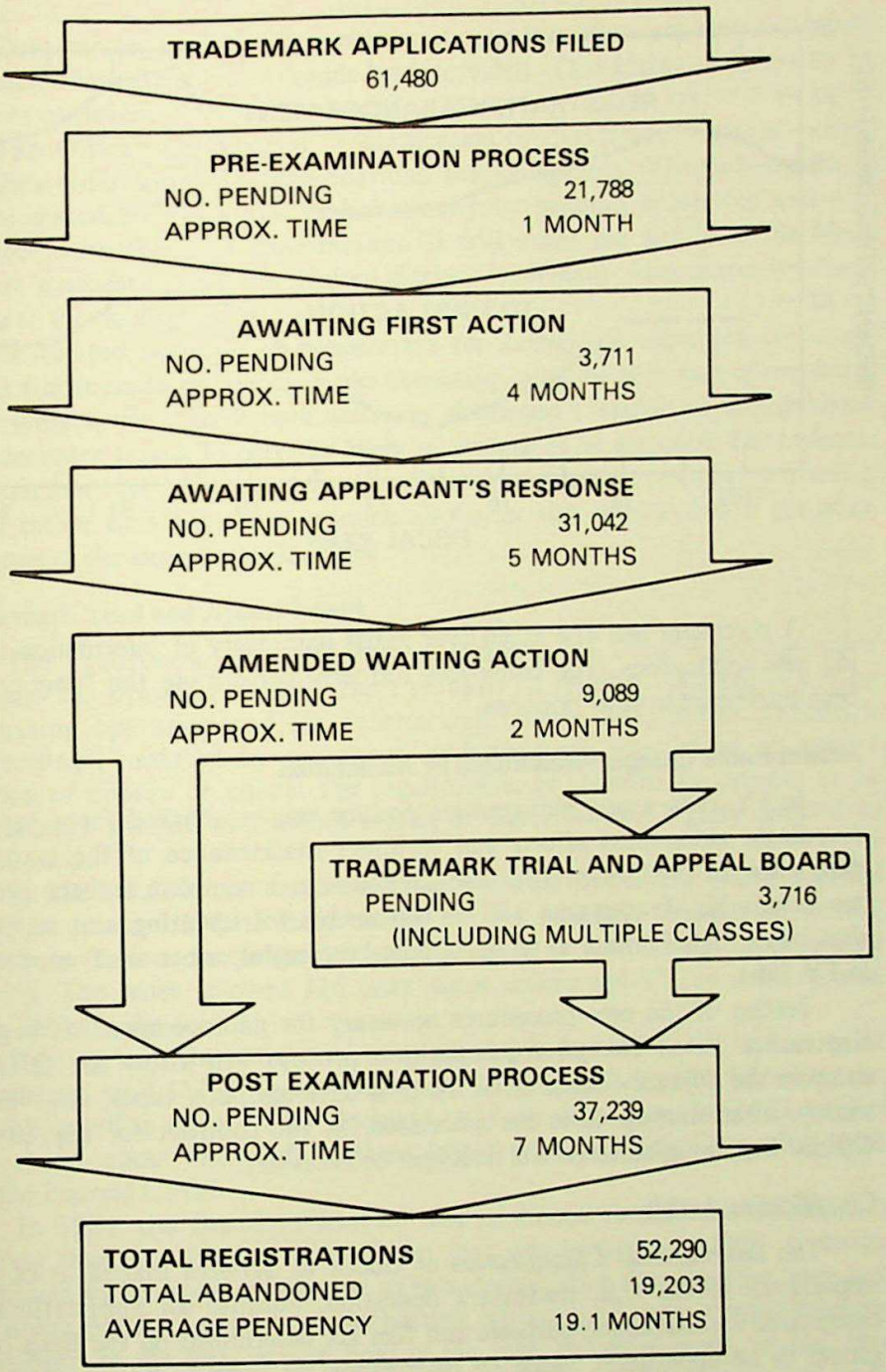
Trademark Services

Delays were reduced in some clerical processing functions. Notably, time was shortened for filing copies of drawings in the Trademark Search Library, and mailing filing receipts (from 23 to 30 days although the time ranged as high as 85 days when backlogs built up due to automation implementation).

The files maintenance functions of the Trademark Search Library were contracted out to a private concern starting at the end of FY 1983. The contractor's performance has been generally acceptable to the Office and the public. In March 1984 the Trademark Search Library was transferred organizationally to the Office of Patent and Trademark Services which reports to the Assistant Commissioner for Administration.

FIGURE 12

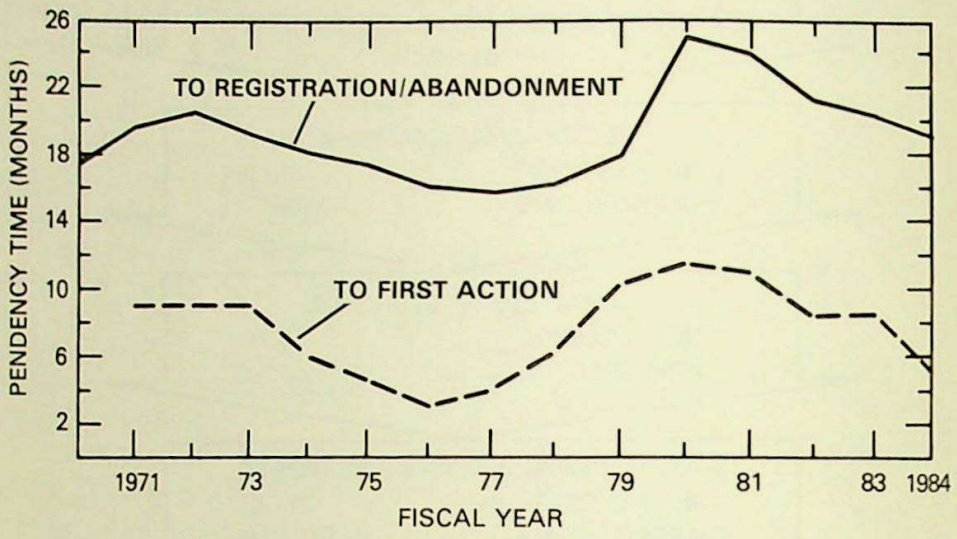
TRADEMARK EXAMINATION ACTIVITIES*



*This figure presents a simplified trademark work-flow diagram with statistics on cases at various stages of processing at the end of FY 1984.

FIGURE 13

PENDENCY TIME OF TRADEMARK APPLICATIONS (1970-1984)



A contractor has also taken over initial data entry of information regarding new applications. The employees formerly performing the function have been transferred to other positions.

Administrative Changes Necessitated by Automation

In FY 1984 a new management position was established for a person to coordinate automation efforts and to direct maintenance of the trademark data bases. In 1985, when data base development is complete and the products are acceptable, Trademarks will be responsible for updating and supporting data bases. Initial efforts to recruit a data base maintenance staff were started in FY 1984.

Testing of the new procedures necessary for photocomposition began in September 1984. The photocomposition process will allow the Office to compose the *Official Gazette* from the data base computer tapes, and will save money, after start-up costs are amortized, as the contract for key entry of *Official Gazette* information will no longer be necessary.

Classification Activity

The *International Classification of Goods & Services* manual is of great importance to the U.S. trademark operation, because all applications are categorized for examining purposes and fees are determined on the basis of the classes in an application, based on information set forth in this manual. Two trademark attorneys participated in the sixth session of the Preparatory Working Group of the International (Nice) Union for the Classification of Goods and Services. The members of the working group reviewed all proposals

for changes or amendments and submitted recommendations, decided on nine classification problems, and recommended as to acceptance on 190 proposed changes in the Alphabetical List of Classes and the creation of a Catchword Index.

Only certain senior staff members in each law office are now authorized to check identification of goods and services. This change was made to promote consistency of classification.

The Office published an "Identification of Goods and Services" which specifies what kind of identifications are acceptable. The publication is cross-indexed by class and alphabetically by product or service and will promote consistency of examination. It will assist the public to file more correct applications as the United States Trademark Association is selling copies to the public.

In related activity, in preparation for automated searching of design marks (those trade or service marks consisting in whole or in part of a picture, logo, symbol, etc.), trademark attorneys developed a system of coding allowing computer access to only the types of designs to be searched. For instance, an examiner will be able to specify all marks containing cows, a barn and a pond, rather than having to examine all marks with cows to find if the other elements of the design were included.

Trademark Trial and Appeal Board

The Trademark Trial and Appeal Board is the Office's administrative tribunal for deciding appeals from refusals to register trademarks by the examining operation and for determining certain inter partes trademark proceedings, initiated by companies or individuals, most of which involve actions to oppose or cancel the registrations of trademarks thought to be confusingly similar to existing marks or otherwise not legally entitled to registration.

In 1984, 3,233 new cases were filed with the Board. The Board disposed of 2,474 cases, 2,087 of these before hearing (typically through settlement, default or motions for judgment) and 387 cases by final Board decisions after hearing. The latter involved 116 inter partes actions and 271 ex parte appeals. (See Table 21 for details.)

By year end, the number of cases pending before the Board had increased 21 percent to 4,337, a record high, and there were some 75 Federal court appeals pending from TTAB decisions (a sharp drop from the 1983 total of 106 cases), about two-thirds of these lodged with the U.S. Court of Appeals for the Federal Circuit.

In 1984, the Board maintained and continued the historic reduction of waiting time for issuance of decisions that was achieved in 1983. Decisions continued to be issued within one to two months after case hearings were held or, where parties agreed to waive hearing, within one to two months following submission of the final written brief in the case. For many years, waiting time had ranged from six months to one year. Also the Board's backlog of undecided cases ready for opinion remained at less than 40 cases throughout most of the year (this amounting to a one month decisional backlog).

The Board, which adjudicates cases in panels of three, had eight members and four interlocutory attorneys at year end, and a total staff of 30 workers. During the fiscal year, it celebrated its twenty-fifth anniversary as a decisional tribunal of the Patent and Trademark Office, having been established by Congress in late 1968.

Trademark Exposition

On July 7 and 8, 1984, the Office and the United States Trademark Association co-sponsored the second annual Trademark Exposition in the Great Hall of the Department of Commerce. The exposition featured exhibits from 26 trademark owners, including many major corporations. Over 12,000 people, more than three times as many as last year, attended the Exposition, titled "Trademarks—the Consumers' Guide." There was good coverage by the news media. Among the most noticeable exhibits were the 30-foot American Tourister gorilla inflated giant figure and the Budweiser inflated "beer can" tethered outside the building. Also included were personified trademarks of the Campbell Soup kids, the M&M Plain and Peanuts, and the Fruits of the Loom. Almost all of the exhibitors had handouts or samples, such as Coca-Cola, Tabasco, Tupperware, Chanel, Avon and Kodak. Although only in its second year, the exposition has become widely acclaimed for its success in showing the important role of trademarks in the market place.

chapter seven

SUPPORT AND PUBLIC SERVICE ACTIVITIES

Support for Patent and Trademark Pendency Reduction

In support of reducing patent pendency to 18 months by 1987, the Office hired 180 patent examiners. Recruitment efforts included visiting 153 colleges; conducting over 1,600 interviews; and placing advertisements in a number of magazines, college placement manuals, and college newspapers. Of the 180 examiners hired, 148 were engineers and the remaining 32 were biologists, physicists, or chemists. Their overall college grade-point average was 3.05. Thirty-four percent of new hires were minorities, women, and handicapped. Overall, the average entry grade was GS-7.

A significant move of organizational units had to take place to provide the space needed in each patent examining group to accommodate new examiners. This involved extensive renovations, over 2,000 telephone line and instrument installations, and the relocation of 1,400 people and over 10,000 pieces of furniture and equipment. The patent examining corps' telephone system was modernized through the conversion of the previous rotary dial system to the single-line touchtone system. By working closely with the telephone companies, this project was completed in six months, rather than the normal time period of one year. Of particular significance is the fact that the entire examiner relocation project was accomplished with no adverse impact on examiner production objectives and the 18-month pendency goal.

During FY 1984, the Mail Room received, processed, and delivered about 1,400,000 pieces of mail within four to six days from receipt. Included in this figure are 37,400 Express Mail packages containing 32,800 patent applications and 2,750 trademark applications.

The 117,985 new patent applications received were completed through pre-examination processing and made available to the patent examining corps within about 30 days from receipt.

Improvements in Services to the Public

While in the two previous years, actual times for many services were three times longer than established goals, over the past year performance has been at or better than goal levels.

A 1984 user survey was recently conducted to determine the public perception of the adequacy of services provided by the Office in comparison to established goals and to identify the principal areas of concern.

A similar survey was conducted in January 1982. The 1984 survey was distributed to the same groups as the 1982 survey to facilitate comparison. Those groups included the local, Cleveland, and Los Angeles bar associations and local Patent Search Room users. There were 271 respondents to the 1984 survey.

A summary comparison of how items were rated in each survey is as follows:

	1982	1984
Positive	21	35
Negative	27	12

All items were rated more positively in the 1984 user survey. In the 1982 survey, all items relating to the timeliness of services were rated negatively (poor or fair). In the 1984 survey, all of these items went up at least 20 percentage points. The most dramatic improvements were the following:

Timeliness of providing certified copies of trademark applications (d 43 points)
Timeliness of providing certified copies of trademark registrations (d40 points)
Timeliness of providing certified copies of assignments (d36 points)
Timeliness of providing trademark file histories (d38 points)
Patent Search Room working conditions (d38 points)
Helpfulness of Assignment Search Room employees (d38 points)

In addition to the above, high positive ratings were given to:

Quality of service received from Mail Room walk-up window (91%)
Legibility of serial number of applicants' self-addressed post cards (88%)
Completeness of all certified copy requests (80%)
Legibility of all certified copy requests (80%)
Helpfulness of walk-up certification employees (78%)
Quality of service of computerized search tools (72%)
Value of computerized search tools (72%)
Timeliness of returning applicants' self-addressed cards (70%)

Even though all ratings showed improvements, negative ratings still exist for the following:

Integrity of classified search files
Timeliness of official search notifications
Quality of microfilm reader/printers
Timeliness of providing patent and trademark copies
Timeliness of providing patent file histories
Integrity of assignment card files
Helpfulness of official search employees

An item not included in the 1982 survey, but added to the 1984 survey, received the most negative rating—success in locating files through official searches.

An FY 1985 action plan has been developed to address those items with negative ratings. Another special objective for this coming year is to try to reduce the goal levels.

Improvements in Communications With the Public

The status of Office services has been published in the last *Official Gazette* issue of each month. In addition to reporting on actual processing times as compared to goals and on improvements in services, a new section called "Helpful Hints" has been added. This section includes suggestions to the public for avoiding delays and problems in dealing with the Office.

An electronic bulletin board was placed in the Patent Public Search Room. Through the use of a video terminal, members of the public can obtain current information on public information contacts, locations of patents by classification, automated search room tools, status of services, and news items.

A campaign called "Help Us Help You" was initiated. Posters and cards soliciting comments from the public are placed in all service areas. As a result of complaints or problems reported, corrective actions have been taken. Positive comments and compliments have been shared with the employees who worked hard to earn the praise.

In recognition of clerical employees who render outstanding service within the Office operating areas and to the public, a special awards program has been initiated. Each quarter, up to five employees are presented with a $100 award and special certificate. The selected Clerical Employee of the Year receives $1,000. Through this award system, the Office demonstrates appreciation for the dedication and contribution of those employees and bestows upon them the honor and respect they deserve.

Contracting Out Work Previously Performed "In-House"

Under the guidelines of the Office of Management and Budget Circular Number A-76, three studies were completed to determine whether it would be more cost-effective to contract out certain functions or continue to have them performed by government employees. It was decided in two of the studies that the functions—allowed files maintenance and reclassification/file integrity/examiner search file maintenance would be contracted. As a result of the awarding of those contracts, 176 government positions were abolished. A highly effective outplacement program helped virtually all of the displaced employees to find other jobs.

The savings to the government of having these functions performed by contractors is estimated to be more than $3,550,000 over three years.

appendix
STATISTICAL TABLES

Table 1.—OBLIGATIONS

(In Thousands of Dollars)

	1982	1983	1984
BUDGET ACTIVITIES:			
Patent Process	$77,933	$93,806	$102,188
Automation—Patent Process	...	2,225	7,154
Trademark Process	8,219	9,723	11,482
Automation—Trademark Process	...	517	996
Information Dissemination	21,784	25,199	27,548
Automation—Information Dissemination	...	250	1,230
Executive Direction and Administration	16,294	10,851	12,404
Automation—EXAD	...	9,642	12,435
Total Obligations	124,230	152,213	175,437
SALARIES AND EXPENSES:			
Personnel Compensation	82,353	96,581	105,452
Personnel Benefits	7,676	9,722	11,056
Printing and Reproduction	14,973	16,329	15,504
Other Obligations	19,228	29,581	43,425
Total Salaries and Expenses	$124,230	$152,213	$175,437

Table 2.—TOTAL FUNDING AVAILABILITIES[1]

(1975–1984)

Fiscal Year	Appropriations[2]	Fee Collections[3]	Prior Year Unobligated Balances	Total Funding Availability[4]	Program Funding Changes[5,6]
1975.....	77,566	(27,761)	. . .	77,566	-446
1976.....	85,350	(28,240)	. . .	85,350	1,624
1977.....	89,400	(27,980)	. . .	89,400	-1,497
1978.....	94,321	(27,722)	. . .	94,321	1,458
1979.....	96,654	(27,111)	. . .	96,654	-1,692
1980.....	104,833	(27,192)	. . .	104,833	32
1981.....	116,150	114	. . .	116,264	3,809
		(29,493)			
1982.....	125,335	252	. . .	125,587	3,374
		(28,535)			
1983.....	78,441	82,734	1,105	162,280	16,875
1984.....	81,573	98,841	10,204	[7]190,618	8,427

[1] In thousands of dollars.
[2] Includes "supplemental appropriations" funding approved by the Congress to be added to the PTO's regular appropriations to cover certain changed circumstances—most commonly pay increases.
[3] Fee collections in parentheses are non-adds. Prior to 1983 all fee collections, except patent reexamination fees, were returned to the U.S. Treasury and were not retained by the PTO.
[4] Beginning in 1982 all current year unobligated balances could be carried forward for use in the next fiscal year.
[5] Program changes in funding levels from the previous fiscal year, excluding pay raises and other uncontrollable increases.
[6] For the period 1975-1982, program changes relate only to appropriations.
[7] Excludes $2,746,226 recoveries of prior year obligations and $106,783 in Federal reimbursements.

Table 3.—END OF YEAR EMPLOYMENT[1]

(1978–1984)

	1978	1979	1980	1981	1982	1983	1984
BUDGET ACTIVITIES:[2]							
Executive Dir. and Admin.	358	358	353	388	[3]414	[3]433	476
Information Dissemination	716	678	630	687	[3]534	[3]542	460
Patent Process	1,569	1,495	1,409	1,459	1,658	1,923	2,018
Trademark Process	148	172	191	221	244	270	270
Total Budget Activities Employment	2,791	2,703	2,583	2,755	2,850	3,168	3,224
PERSONNEL STAFFING:							
Patent Professional	1,064	995	949	985	1,175	1,361	1,418
Trademark Professional	68	79	88	98	106	118	129
All Others	1,659	1,629	1,546	1,672	1,569	1,689	1,677
Total Personnel Staffing	2,791	2,703	2,583	2,755	2,850	3,168	3,224

[1] Total paid employment, including full time permanent and others.
[2] The names of the PTO activities were changed in FY 1981, but the activities remained essentially the same.
[3] Reorganization to establish Automation Organizations.

Table 4.—INCOME FROM FEES

(In Thousands of Dollars)

Source of Income	1981	1982	1983	1984
PATENT PROCESS FEES, LARGE ENTITY				
Utility Patent Applications	7,074	7,068	20,737	22,693
Design Patent Applications	159	166	440	454
Plant Patent Applications	10	13	23	25
Reissue Patent Applications	34	26	65	56
Patent Application Claims	2,930	3,060	3,473	3,666
Extensions of Time	N/A	N/A	3,442	6,116
Appeals & Briefs	707	686	1,406	1,650
Petitions & Revivals	36	35	490	661
Utility Patent Issues	10,013	8,968	20,497	24,663
Design Patent Issues	149	147	376	421
Plant Patent Issues	17	12	5	6
Statutory Disclaimers	N/A	N/A	N/A	84
Other Patent Process Fees	N/A	N/A	N/A	47
Subtotal, Large Entity	21,129	20,181	50,954	60,542
PATENT PROCESS FEES, SMALL ENTITY				
Utility Patent Applications	N/A	N/A	4,023	5,165
Design Patent Applications	N/A	N/A	266	352
Plant Patent Applications	N/A	N/A	14	14
Reissue Patent Applications	N/A	N/A	12	12
Patent Application Claims	N/A	N/A	525	679
Extensions of Time	N/A	N/A	377	920
Appeals & Briefs	N/A	N/A	120	174
Revivals	N/A	N/A	83	152
Utility Patent Issues	N/A	N/A	2,938	4,402
Design Patent Issues	N/A	N/A	159	195
Plant Patent Issues	N/A	N/A	7	17
Statutory Disclaimers	N/A	N/A	N/A	13
Other Patent Process Fees	N/A	N/A	N/A	7
Subtotal, Small Entity	0	0	8,524	12,102
Total, Patent Process Fees	21,129	20,181	59,478	72,644
TRADEMARK PROCESS FEES				
Applications	2,000	2,374	9,359	10,828
Renewals	150	149	1,583	1,822
Amendments & Disclaimers	8	7	47	47
Use/Non-Use Affidavits	171	174	2,256	2,691
Cancellations & Oppositions	50	63	453	524
TTAB Appeals	7	18	78	83
Other Trademark Proc Fees	10	17	92	105
TM Share of Service Fees	. . .	. . .	787	970
Total, Trademark Process Fees	2,396	2,802	14,655	17,070
SERVICE FEES				
Patent & Trademark Copy Sales	1,847	1,531	2,853	2,732
Farecards for Copy Machines	N/A	N/A	599	869
Reproduction of Records	814	819	1,561	1,569
Certification of Records	106	114	386	395
Certificates of Correction	45	50	78	88
Abstracts of Title	N/A	N/A	129	117
Recording Assignments	1,836	1,879	2,649	2,987
Disclosure Documents	90	83	96	103
Statutory Disclaimers	24	24	98	N/A
Reexamination Requests	114	252	212	257
PCT Applications	346	249	562	658

Table 4.—INCOME FROM FEES—Continued

(In Thousands of Dollars)

Source of Income	1981	1982	1983	1984
Miscellaneous Services	746	551	165	322
TM Share of Service Fees	...	...	-787	-970
Total Service Fees	5,968	5,552	8,601	9,127
TOTAL INCOME FROM FEES	29,493	28,535	82,734	98,841

Table 5.—SUMMARY OF PATENT EXAMINING ACTIVITIES

(As of September 30, 1984)

Patent Examining Activity	1982	1983	1984	Average 1975-84
PATENT APPLICATIONS FILED				
Utility[1]	116,052	96,847	109,010	103,786
Reissue	486	370	281	510
Plant	193	231	248	185
Design	8,069	8,256	8,446	7,352
Total Patent Appls. Filed	124,800	105,704	117,985	111,833
FIRST ACTIONS				
Design	6,066	7,132	7,439	6,550
All Others[3]	89,777	113,010	118,256	99,956
PATENT APPLICATIONS ALLOWED[2]				
Design	4,458	5,276	5,158	4,595
All Others[3]	54,484	64,376	69,987	65,539
Total Patent Appls. Allowed	58,942	69,652	75,145	70,134
PATENT APPLICATIONS ABANDONED				
Design	2,015	2,352	2,413	2,060
All Others[3]	29,099	35,555	43,313	34,259
Total Patent Appls. Aband.	31,114	[5]37,907	45,726	36,319
TOTAL PATENT APPLICATION DISPOSALS[4]	90,056	107,559	120,871	106,453
PATENTS ISSUED[6]				
Utility	59,449	54,744	66,753	63,522
Reissue	284	351	287	351
Plant	120	219	174	168
Design	5,299	4,401	4,935	4,242
Total Patents Issued	65,152	59,715	72,149	68,283
ALLOWED APPLICATIONS, ISSUE FEE NOT PAID[7]	2,130	1,576	2,024	1,916
PENDENCY TIME OF AVERAGE PATENT APPLICATION[8]	24.2	25.5	25.0	—
REEXAMINATIONS REQUESTED[9]	187	186	189	—
REEXAMINATION CERTIFICATES ISSUED	21	102	132	—
PCT SEARCH REPORTS PREPARED[10]	1,705	1,805	1,732	—
PCT INTERNATIONAL APPLICATIONS RECEIVED[10]	1,867	1,977	2,091	—

[1] Chemical, electrical, and mechnical applications.

[2] "Allowed Patent Applications" are applications awaiting issuance (i.e., publication) as patents.

[3] Utility, plant, and reissue applications.

[4] Disposals by examiners—i.e., the sum of applications allowed and applications abandoned. Final disposals can be obtained by adding patents issued and applications abandoned. The Office measures the productivity of examiners in "production units", formerly called "balanced disposals." Production units are obtained by averaging first actions and examiners disposals.

[5] Abandonments include estimated abandonments reflecting new abandonment counting procedures resulting from P.L. 96-517.

[6] Excludes withdrawn numbers.

[7] 35 U.S.C. 151.

[8] Average time (months) between filing and issuance/abandonment of utility, plant, and reissue applications (excluding designs).

[9] Reexamination was instituted on July 1, 1981, in accordance with provisions of P.L. 96-517.

[10] PCT entered into force on January 24, 1978, and applications were accepted for filing beginning June 1, 1978.

Table 6.—PATENT APPLICATIONS FILED

(1965-1984)

Year	Utility[1]	Design	Plant	Reissue	Total
1965	88,908	5,319	89	237	94,553
1966	93,022	5,187	103	266	98,578
1967	88,167	4,774	100	241	93,282
1968	90,252	4,889	107	304	95,552
1969	96,342	5,432	103	376	102,253
1970	100,116	5,722	113	344	106,295
1971	103,733	6,057	161	266	110,217
1972	102,663	6,358	166	293	109,480
1973	100,900	5,541	109	382	106,932
1974	103,479	4,948	109	391	108,927
1975	101,283	5,751	163	465	107,662
1976[2]	101,807	6,838	144	438	109,227
1977[2]	101,821	7,186	202	564	109,773
1978	100,473	7,440	171	660	108,744
1979	99,516	7,070	166	657	107,409
1980	104,219	7,269	186	641	112,315
1981	106,828	7,197	147	538	114,710
1982	116,052	8,069	193	486	124,800
1983	96,847	8,256	231	370	105,704
1984	109,010	8,446	248	281	117,985

[1] Chemical, electrical, and mechanical applications.
[2] The Transition Quarter, July 1, 1976, to September 30, 1976, has been omitted.

Table 7.—SUMMARY OF PENDING PATENT APPLICATIONS

(As of September 30, 1984)

Stage of Processing	Utility, Plant and Reissue Applns.	Design Applns.	All Pat. Applns.
IN PREEXAMINING PROCESSING	32,361	1,338	33,699
UNDER EXAMINATION			
Awaiting First Action by Examiner	65,328	12,852	78,180
Rejected, Awaiting Response by Applicant	82,023	2,703	84,726
Amended, Awaiting Action by Examiner	12,362	145	12,507
In Interference	365	2	367
On Appeal	9,635	453	10,088
Total Under Examination	169,713	16,155	185,868
IN POSTEXAMINATION PROCESSING			
Awaiting Payment of Issue Fee	20,593	1,130	21,723
D-10's (Secret Cases in Condition for Allowance)	2,929	0	2,929
Total in Postexamination Processing	23,522	1,130	24,652
IN ISSUE PROCESSING			
In Process in PTO-Fee Paid	4,131	756	4,887
In Process with Printer-Fee Paid	10,577	760	11,337
Total in Issue Processing-Fee Paid	14,708	1,516	16,224
TOTAL PENDING IN PATENT AND TRADEMARK OFFICE	240,304	20,139	260,443

Table 8.—PATENTS PENDING PRIOR TO ALLOWANCE[1]

(1965–1984)

Year	Awaiting Action by Examiner[2]	Total Applns. Pending[3]	Year	Awaiting Action by Examiner[2]	Total Applns. Pending[3]
1965	149,284	212,416	1975	41,916	146,464
1966	147,664	214,664	1976[4]	43,776	142,379
1967	136,672	205,768	1977[4]	60,706	144,542
1968	109,509	194,087	1978	57,031	144,056
1969	103,704	[5]196,338	1979	50,085	151,702
1970	81,548	192,575	1980	64,289	167,533
1971	64,890	190,103	1981	71,033	181,727
1972	70,477	189,177	1982	87,659	216,509
1973	64,940	175,281	1983	102,532	223,101
1974	47,411	162,447	1984	90,687	219,567

[1] Pending at end of period indicated including utility, reissue, plant, and design applications. Does not include allowed applications.
[2] Through 1965, includes applications having suspended actions.
[3] Applications awaiting examination, including those in preexamination processing.
[4] The Transition Quarter, July 1, 1976, to September 30, 1976, has been omitted.
[5] Revised.

Table 9.—PATENTS ISSUED[1]

(1965–1984)

Year	Utility[2]	Design	Plant	Reissue	Total
1965	52,914	2,979	127	204	56,224
1966	66,243	3,638	105	238	70,224
1967	70,028	2,840	102	180	73,150
1968	61,599	3,539	67	185	65,390
1969	61,957	2,991	80	201	65,229
1970	66,339	3,401	80	311	70,131
1971	[3]70,387	3,097	77	222	[3]73,783
1972	83,221	3,032	170	264	86,687
1973	[4]67,552	3,441	146	274	[4]71,413
1974	79,300	4,439	211	367	84,317
1975	[5]70,179	3,632	155	398	[5]74,364
1976[6]	[5]75,325	4,781	195	434	[5]80,735
1977[6]	67,972	4,261	164	435	72,832
1978	65,963	3,797	194	366	70,320
1979	51,686	3,269	151	312	55,418
1980	56,618	4,167	137	305	61,227
1981	66,617	3,882	168	343	71,010
1982	59,449	5,299	120	284	65,152
1983	54,744	4,401	219	351	59,715
1984	66,753	4,935	174	287	72,149

[1] Excludes withdrawn numbers beginning with FY 1978.
[2] Chemical, electrical, and mechanical applications.
[3] Does not include 1,300 voided numbers.
[4] Does not include 1,418 voided numbers.
[5] In 1975, under the trial voluntary protest program (now abolished), an additional 667 applications were published but not issued; in 1976, there were 1,303 published but not issued.
[6] The Transition Quarter, July 1, 1976, to September 30, 1976, has been omitted.

Table 10.—REEXAMINATION[1]

	1982	1983	1984
REQUESTS FILED			
By patent owner	68	77	79
By third party	116	106	106
Commissioner ordered	3	3	4
Total	187	186	189
DETERMINATIONS ON REQUESTS			
Requests granted			
By examiner	156	151	141
By petition	7	3	4
Requests denied	39	32	24
Total	202	186	169
REQUESTS KNOWN TO HAVE RELATED LITIGATION	37	40	51
COURT ORDERED REEXAMINATIONS	3	0	0
AVERAGE AGE OF PATENTS (years)	5.17	5.15	4.4
AGE RANGE OF PATENTS (years)	0.25-21.08	0.01-19.23	0.14-22.03
AVERAGE CLAIMS PER REQUEST	14.56	15.45	14.36
AVERAGE REFERENCES PER REQUEST	8.22	11.76	8.88
FILINGS BY DISCIPLINE			
Chemical	57	63	70
Electrical	59	52	52
Mechanical	71	71	67
Total	187	186	189

[1] Reexamination was instituted on July 1, 1981, in accordance with provisions of P.L. 96-517.

Table 11.—SUMMARY OF CONTESTED PATENT CASES

(Within the Patent and Trademark Office)

Patent and Trademark Office Tribunal	Totals
BOARD OF PATENT APPEALS	
Cases Pending as of 9/30/83:	
Appeals	5,061
Reconsideration	77
Total	5,138
Cases Filed During FY 84:	
Appeals	4,553
Reconsideration	347
Total	4,900
Total	10,038
Disposals During FY 84:	
Affirmed	2,312
Affirmed-In-Part	275
Dismissed	11
Reversed	837
Suspended	0
Withdrawn	281
Reconsideration	321
Total Disposals	4,037
Cases Pending as of 9/30/84:	
Appeals	5,898
Reconsideration	101
Total Cases Pending as of 9/30/84	5,999
BOARD OF PATENT INTERFERENCES	
Interferences Pending as of 9/30/83	420
Interferences Declared During FY 84	192
Total	612
Disposals:	
Interferences Terminated	245
Total Interferences Awaiting Final Board Disposition as of 9/30/84:	
Awaiting the Setting of a Final Hearing	2
Set for Final Hearing	4
Awaiting a Final Decision	6
Total Interferences Awaiting Final Board Disposition	12
Total Interferences Pending as of 9/30/84	367

Table 12.—U.S. GOVERNMENT AGENCY PATENTS[1]

(1974–1984)

Agency	1974	1975	[2]1976	[2]1977	1978	1979	1980	1981	1982	1983	1984	Total (1974–1984)
Agriculture	127	130	159	104	70	39	54	53	46	45	46	873
Air Force	160	139	164	183	137	115	159	123	89	120	168	1,557
Army	446	301	374	376	262	214	233	229	196	205	200	3,036
AEC[3]	276	111	0	0	0	0	0	0	0	0	—	387
Commerce	3	5	14	7	5	9	6	5	7	5	7	73
Energy	0	131	273	224	198	166	159	234	210	170	263	2,028
State	2	0	3	1	1	0	0	0	0	0	—	7
Transportation	7	7	11	0	0	4	3	5	1	0	—	38
NSA	0	0	0	0	0	2	1	1	2	1	6	13
EPA	6	6	9	4	3	4	3	10	1	3	3	52
FAA	1	0	0	0	0	3	0	0	0	0	—	4
FBI	1	0	0	0	0	0	0	0	0	0	—	1
HEW/HHS	39	34	40	17	31	20	23	27	19	26	38	314
Interior	57	56	67	68	59	20	35	43	27	23	16	471
Library of Congress	0	0	1	1	0	0	0	0	0	0	—	2
NASA	285	149	139	93	117	81	74	70	73	114	143	1,338
NSF	0	0	1	0	0	0	0	0	0	0	—	1
Navy	626	522	731	535	363	299	390	326	319	278	306	4,695
Postal Service	0	0	1	4	1	0	0	2	0	0	—	8
TVA	4	4	8	5	2	0	0	0	0	0	4	27
Treasury	0	0	0	0	1	0	0	2	1	1	1	6
VA	2	3	1	1	2	1	2	0	2	0	1	15
USA[4]	8	15	33	45	30	13	14	12	12	2	2	186
Justice	0	0	0	0	0	2	0	0	0	0	—	2
FCC	0	0	0	5	1	0	0	2	2	0	1	11
Total	2,050	1,613	2,029	1,673	1,283	992	1,156	1,144	1,007	993	1,205	15,145

[1] Data in this table represent utility patents assigned to agencies at the time of patent issue.
[2] The Transition Quarter, July 1, 1976, to September 30, 1976, has been omitted.
[3] AEC absorbed into DOE in 1976.
[4] United States of America—no agency indicated in data base.

Table 13.—PATENTS ISSUED TO RESIDENTS OF THE UNITED STATES

(1977–1984)[1]

State/Territory	[2]1977	[3] 1978	1979	1980	1981	1982	1983	1984
Alabama	208	205	163	201	196	218	190	218
Alaska	26	29	18	31	12	20	10	17
Arizona	481	464	382	446	555	460	502	530
Arkansas	102	108	65	73	102	66	95	88
California	6,923	6,211	4,839	5,335	6,038	5,481	4,841	5,808
Canal Zone	2	4	4	2	1	0	0	0
Colorado	617	561	471	528	593	534	457	566
Connecticut	1,552	1,385	1,086	1,210	1,273	1,202	1,113	1,408
Delaware	413	384	264	271	326	298	225	285
District of Columbia	70	62	58	58	76	47	33	38
Florida	1,096	1,051	798	1,024	1,258	1,062	917	1,113
Georgia	337	346	311	337	424	410	338	430
Hawaii	43	41	32	32	49	31	30	43
Idaho	80	73	60	80	88	86	68	66
Illinois	3,751	3,390	2,581	2,868	2,882	2,702	2,334	2,774
Indiana	1,069	998	813	865	1,016	1,013	919	999
Iowa	451	366	261	331	379	324	283	389
Kansas	302	307	256	255	251	202	183	258
Kentucky	281	288	227	262	282	287	251	282
Louisiana	352	319	266	282	327	289	268	365
Maine	52	71	53	61	86	84	66	88
Maryland	861	829	665	702	770	749	643	699
Massachusetts	1,860	1,758	1,475	1,555	1,754	1,602	1,394	1,754
Michigan	2,474	2,373	1,875	2,130	2,457	1,912	1,825	2,162
Minnesota	968	905	786	851	975	871	898	974
Mississippi	74	76	68	68	81	68	55	75
Missouri	651	687	474	613	729	583	469	577
Montana	45	65	35	55	71	45	38	55
Nebraska	130	119	108	109	129	125	110	113
Nevada	111	105	84	88	103	100	116	105
New Hampshire	176	170	137	160	174	203	185	187
New Jersey	3,687	3,594	2,719	2,913	3,279	3,022	2,752	3,200
New Mexico	116	104	68	105	119	104	99	133
New York	4,737	4,259	3,168	3,406	3,812	3,574	2,999	3,620
North Carolina	540	529	409	491	600	509	444	566
North Dakota	44	58	30	35	30	42	26	47
Ohio	2,898	2,761	2,026	2,165	2,624	2,299	2,066	2,442
Oklahoma	618	655	519	592	709	628	574	709
Oregon	328	349	281	314	357	310	295	359
Pennsylvania	3,223	3,029	2,277	2,410	2,797	2,449	2,188	2,672
Puerto Rico	25	25	15	9	27	18	11	21
Rhode Island	209	164	128	143	137	132	126	154
South Carolina	233	281	183	232	260	264	237	309
South Dakota	43	40	27	17	38	33	29	31
Tennessee	374	372	311	376	451	378	352	423
Texas	2,063	2,037	1,606	1,789	2,030	1,997	1,900	2,418
Utah	225	191	169	213	217	198	184	231
Vermont	75	79	61	56	85	80	78	77
Virgin Islands	9	4	7	7	3	2	1	2
Virginia	637	600	426	511	618	564	484	603

Table 13.—PATENTS ISSUED TO RESIDENTS OF THE UNITED STATES—Continued

(1977–1984)[1]

State/Territory	[2]1977	1978	1979	1980	1981	1982	1983	1984
Washington	561	540	449	518	534	505	509	567
West Virginia	162	172	134	144	161	150	109	137
Wisconsin	882	846	618	760	806	748	768	843
Wyoming	38	31	32	35	43	19	35	31
U.S. Air Force[3]	1	0	0	1	0	0	0	0
U.S. Navy[3]	0	1	0	0	0	0	0	0
U.S. Pacific Islands[4]	6	7	5	9	0	0	0	1
TOTAL	47,292	44,482	34,383	38,134	43,194	39,099	35,122	42,062

[1] Data include design, plant, and reissue patents.
[2] The Transition Quarter, July 1, 1976, to September 30, 1976, has been omitted.
[3] Represents residents of the United States with military addresses.
[4] Represents residents of American Samoa, Guam, and miscellaneous U.S. Pacific Islands.

Table 14.—UNITED STATES PATENT APPLICATIONS FILED BY RESIDENTS OF FOREIGN COUNTRIES

(1981–1984)

Country	1981	1982	1983	1984
Antigua	1	0	0	0
Argentina	62	40	32	40
Australia	718	756	727	738
Austria	517	458	413	472
Bahamas	8	5	8	5
Bahrain	0	0	1	0
Barbados	0	0	1	2
Belgium	403	456	355	434
Bermuda	1	1	3	8
Bolivia	2	1	1	1
Brazil	68	66	52	66
British Indian Ocean Territory	0	0	0	1
British Virgin Islands	2	1	3	0
Brunei	1	0	0	1
Bulgaria	36	34	29	35
Canada	2,413	2,538	1,963	2,539
Cayman Islands	0	1	0	0
Chile	12	11	4	9
China				
People's Republic of	5	16	4	21
Taiwan	423	583	528	733
Colombia	5	19	5	4
Costa Rica	0	1	7	17
Cuba	1	1	1	1
Cyprus	1	1	0	1
Czechoslovakia	82	79	76	76
Denmark	275	322	276	336
Dominican Republic	1	1	1	1
Ecuador	2	0	1	2
Egypt	2	3	1	3

Table 14.—UNITED STATES PATENT APPLICATIONS FILED BY RESIDENTS OF FOREIGN COUNTRIES—Continued

(1981-1984)

Country	1981	1982	1983	1984
El Salvador	1	0	1	5
EPO	0	1	0	2
Finland	275	342	336	373
France	3,519	3,732	3,249	3,481
French Territories of Afars & Issas	0	0	0	1
Gabon	1	1	0	0
Germany, Dem. Republic of	88	119	63	57
Germany, Fed. Republic of	10,133	10,979	8,617	9,551
Greece	31	65	16	19
Greenland	0	0	0	1
Grenada	0	0	0	1
Guatemala	2	6	3	1
Guinea	1	1	0	0
Haiti	2	2	1	0
Honduras	1	2	0	0
Hong Kong	103	157	167	160
Hungary	207	253	183	213
Iceland	5	3	8	4
India	18	25	15	25
Indonesia	2	6	2	3
Iran	3	0	7	1
Iraq	1	1	1	3
Ireland	54	68	44	55
Israel	290	359	273	359
Italy	1,544	1,769	1,440	1,802
Ivory Coast	1	1	0	0
Jamaica	0	2	2	2
Japan	14,375	17,349	15,743	18,289
Jordan	1	0	1	1
Korea, Dem. Republic of	3	2	3	3
Korea, Republic of	55	87	93	75
Kuwait	8	3	0	3
Lebanon	3	1	7	1
Liechtenstein	28	15	15	27
Luxembourg	44	55	43	51
Macao	0	0	0	1
Malaysia	8	7	5	5
Malta	0	1	1	0
Mexico	104	77	67	76
Midway Islands	1	0	1	0
Monaco	6	11	9	4
Morocco	2	1	3	1
Navassa Island	0	0	0	1
Nepal	0	0	1	0
Netherlands	1,109	1,191	1,112	1,227
New Zealand	126	119	116	145
Nigeria	1	0	0	2
Norway	160	156	142	157

Table 14.—UNITED STATES PATENT APPLICATIONS FILED BY RESIDENTS OF FOREIGN COUNTRIES—Continued

(1981-1984)

Country	1981	1982	1983	1984
Pakistan	2	2	1	0
Panama	1	0	2	2
Paraguay	2	0	1	1
Peru	2	3	1	3
Philippines	12	28	17	13
Poland	50	30	23	34
Portugal	3	9	8	6
Romania	13	12	2	6
Saudi Arabia	3	13	7	8
Senegal	0	1	1	0
Singapore	5	9	6	14
South Africa	219	250	182	229
Soviet Union	472	376	217	130
Spain	190	175	159	208
St. Christopher-Nevis-Anquilla	0	0	0	1
Swaziland	0	1	0	0
Sweden	1,447	1,347	1,302	1,408
Switzerland	1,946	1,973	1,671	1,843
Syria	0	1	1	0
Tanzania	1	0	0	0
Thailand	4	5	6	1
Trinidad & Tobago	1	2	1	2
Tunisia	4	1	0	0
Turkey	2	3	5	2
United Arab Emirates	2	0	4	0
United Kingdom	4,474	4,807	4,241	4,482
Uruguay	11	17	12	1
Venezuela	30	25	24	24
Yugoslavia	31	28	21	15
Zambia	0	2	1	0
Zimbabwe	1	0	0	1
Total	46,283	51,483	44,198	50,168

Table 15.—PATENTS ISSUED BY THE UNITED STATES TO RESIDENTS OF FOREIGN COUNTRIES

(1977–1984)[1]

Country	[2]1977	1978	1979	1980	1981	1982	1983	1984
Algeria	0	1	0	0	0	0	0	0
Argentina	24	46	90	42	24	15	29	21
Australia	272	297	252	269	360	330	318	348
Austria	297	287	221	253	299	227	278	282
Bahamas	5	8	7	4	6	4	3	4
Bahrain	0	0	0	0	1	0	0	1
Belgium	306	280	213	235	296	220	208	282
Bermuda	4	1	1	2	5	1	0	0
Bolivia	0	3	0	7	1	0	0	0
Brazil	25	30	12	24	29	26	23	22
British Virgin Islands	0	0	0	0	0	0	0	1
Bulgaria	36	32	18	19	33	16	13	21
Burkina Faso	0	0	0	0	1	0	0	0
Burma	0	1	1	1	0	0	0	0
Canada	1,388	1,338	1,105	1,118	1,330	1,145	1,080	1,317
Cayman Islands	0	0	0	0	0	1	1	0
Chile	2	4	3	2	3	2	3	2
China								
People's Republic of	2	0	1	2	4	1	1	6
Taiwan	49	40	35	58	90	89	78	116
Colombia	6	12	5	7	6	4	4	7
Congo	11	1	0	1	1	0	0	0
Costa Rica	0	1	11	2	7	4	0	0
Cuba	1	3	1	3	3	0	0	2
Cyprus	2	1	0	2	0	1	0	1
Czechoslovakia	109	93	52	56	48	55	34	33
Denmark	172	183	133	147	160	139	139	150
Dominican Republic	1	1	0	0	1	0	0	3
Ecuador	1	0	1	0	0	0	0	0
Egypt	1	0	1	1	3	2	0	3
El Salvador	3	2	5	1	0	0	1	0
Ethiopia	2	2	0	0	0	0	0	0
Finland	99	141	85	124	147	143	140	169
France	2,255	2,225	1,728	2,015	2,258	2,123	1,944	2,286
Germany, Dem. Republic of	1	3	0	22	42	58	55	65
Germany, Fed. Republic of	5,902	5,883	4,935	5,354	6,436	5,697	5,388	6,402
Greece	11	11	7	5	7	11	10	25
Greenland	0	0	0	0	0	1	0	0
Guatemala	3	4	0	1	1	0	0	2
Guinea	1	1	0	0	0	0	0	0
Haiti	1	0	2	2	1	2	1	0
Honduras	1	1	1	0	0	0	0	0
Hong Kong	32	33	30	48	60	71	54	64
Hungary	69	82	57	77	98	102	122	106
Iceland	3	13	35	11	1	0	2	2
India	16	20	15	10	13	2	15	13
Indonesia	0	4	5	3	2	5	0	1
Iran	3	5	8	7	2	0	0	0
Iraq	0	0	0	0	0	0	0	1
Ireland	21	32	21	22	23	26	18	34

Table 15.—PATENTS ISSUED BY THE UNITED STATES TO RESIDENTS OF FOREIGN COUNTRIES—Continued

(1977-1984)[1]

Country	[2]1977	1978	1979	1980	1981	1982	1983	1984
Israel	97	107	92	105	134	123	112	152
Italy	810	761	638	742	933	834	702	828
Ivory Coast	1	0	0	0	0	1	0	0
Jamaica	3	3	1	4	0	0	0	1
Japan	6,462	7,099	5,827	6,626	8,459	8,789	8,632	11,355
Jordan	0	1	1	0	0	0	0	0
Kenya	1	0	0	4	0	1	0	0
Kiribati	0	0	0	0	1	0	0	0
Korea, Dem. Republic of	0	0	0	0	0	1	0	1
Korea, Republic of	5	14	9	9	20	18	24	30
Kuwait	0	1	2	0	0	0	0	0
Lebanon	0	3	0	0	2	1	1	0
Liberia	0	1	0	0	1	0	0	0
Libya	1	2	0	1	0	0	0	0
Liechtenstein	10	12	10	14	17	16	17	14
Luxembourg	14	21	19	17	26	34	26	32
Madagascar	0	1	1	0	0	0	0	0
Malawi	0	0	0	0	1	0	0	0
Malaysia	2	5	2	1	1	2	5	2
Mali	0	2	0	1	0	0	0	0
Mauritania	0	0	0	0	1	0	0	0
Mauritius	0	0	0	0	1	0	0	0
Mexico	65	42	39	43	40	43	43	41
Monaco	5	9	1	6	7	6	3	6
Morocco	4	1	1	1	0	0	1	2
Namibia	0	0	0	1	0	0	0	0
Netherlands	770	680	579	585	700	630	671	749
New Zealand	32	46	28	51	62	54	49	60
Nicaragua	2	3	0	0	1	0	0	0
Nigeria	1	3	1	1	2	1	0	0
Norway	113	103	89	80	89	87	74	105
Pakistan	1	0	0	1	0	1	0	1
Panama	3	0	1	2	0	1	0	2
Paraguay	1	1	0	2	0	1	0	1
Peru	6	1	3	1	0	4	1	1
Philippines	10	8	6	3	6	8	5	2
Poland	26	29	30	30	34	37	20	15
Portugal	3	5	1	1	3	12	4	3
Romania	20	11	7	16	13	3	4	2
Saudi Arabia	3	0	1	2	0	1	3	6
Senegal	0	0	1	0	2	0	1	0
Singapore	3	5	2	5	4	2	3	5
South Africa	81	86	67	80	106	79	64	77
Soviet Union	399	386	398	403	427	242	215	220
Spain	114	95	63	65	71	54	64	76
Sri Lanka	2	0	0	1	0	0	0	0
Sudan	1	0	0	0	0	0	0	0
Swaziland	0	0	0	1	0	0	0	0
Sweden	1,005	918	680	778	889	814	730	792

Table 15.—PATENTS ISSUED BY THE UNITED STATES TO RESIDENTS OF FOREIGN COUNTRIES—Continued

(1977-1984)[1]

Country	[2]1977	1978	1979	1980	1981	1982	1983	1984
Switzerland	1,438	1,374	1,107	1,133	1,313	1,216	1,053	1,262
Tanzania	1	0	0	0	0	0	1	0
Thailand	3	0	1	3	1	1	2	1
Trinidad & Tobago	3	4	4	2	1	1	0	0
Tunisia	1	0	0	3	0	2	0	1
Turkey	2	1	1	4	1	1	0	1
United Arab Emirates	0	0	0	0	0	0	0	3
United Kingdom	2,831	2,850	2,203	2,281	2,616	2,357	2,061	2,414
Uruguay	0	0	0	0	4	26	22	4
Vanuatu	0	0	0	0	1	0	0	0
Venezuela	9	8	13	11	12	12	6	11
Vietnam	1	1	0	1	0	0	0	0
Yemen	0	0	1	0	0	0	0	0
Yugoslavia	7	9	7	13	10	14	11	17
Zimbabwe	4	1	0	1	1	0	1	0
TOTALS	25,513	25,838	21,035	23,093	27,816	26,053	24,593	30,087

[1] Data include design, plant, and reissue patents.
[2] The Transition Quarter, July 1, 1976, to September 30, 1976, has been omitted.

Table 16.—PATENT CLASSIFICATION ACTIVITY

(1981-1984)

Classification Activity	1981	1982	1983	1984
Original Patents Professionally Reclassified—Completed Projects	113,284	82,694	100,342	106,576
Subclasses Established	5,287	4,667	2,690	2,368
Reclassified Patents Clerically Processed:				
Original U.S. Patents	112,420	106,416	77,160	99,960
Cross-Reference U.S. Patents	200,652	244,105	136,098	138,568
Foreign Patents	180,000	170,000	123,000	160,000
Total Patents Reclassified	493,072	520,521	336,258	398,528

Table 17.—SCIENTIFIC LIBRARY ACTIVITY

Scientific Library Activity	1984
Additions to Collections:	
Books Purchased	3,977
Journal Subscriptions Purchased	1,872
Journal Issues Received	25,976
Foreign Patents:	
Microfilm Reels	2,014
Documents in Paper Form	1,186,013
Services Provided:	
Journal Issues Routed	17,331
Pages of Foreign Material Translated	6,553
Copies of Foreign Patents Provided	10,241
Documents Circulated	4,048
Documents Loaned to Other Libraries	1,318
On-Line Searches	5,056

Table 18.—SUMMARY OF TRADEMARK EXAMINING ACTIVITIES

(1978-1984)

Item	1978	1979	1980	1981	1982	1983	1984
Applications for Registration Filed	50,106	50,672	52,149	55,152	73,621	51,014	61,480
Disposal of Trademark Applications:							
Applications Maturing to Registration	31,623	24,961	16,366	34,748	43,630	47,685	52,290
Applications Abandoned	8,287	10,061	8,023	14,589	19,350	19,865	19,203
Trademark First Actions	39,524	31,305	49,032	57,944	64,840	68,989	72,953
Applications Approved for Publication	31,623	24,961	28,974	34,759	45,621	52,877	62,927
Certificates of Registration Issued:[1]							
1946 Act Principal Register	28,236	21,496	14,149	30,223	37,506	39,615	43,246
1946 Act Supplemental Register	685	714	465	1,083	1,519	1,564	2,229
Total	28,921	22,210	14,614	31,306	39,025	41,179	45,475
Renewal of Registration:							
Applications Filed	5,567	5,623	5,892	5,693	5,760	5,438	5,926
Applications Abandoned	52	32	35	62	23	31	14
Registrations Renewed	5,254	5,404	5,862	5,884	6,070	5,695	5,653
Affidavits, Sec. 8:							
Affidavits Filed	13,351	13,864	13,633	17,071	15,068	12,544	13,519
Affidavits Disposed	9,681	7,560	11,332	14,936	16,970	12,462	11,754
Affidavits for Benefits Under Sec. 12(c):							
Affidavits Filed	77	10	85	40	55	46	5
Affidavits Abandoned	0	3	0	0	0	0	0
Published Under Sec. 12(c)	84	34	54	77	71	74	21
Pendency Time of Average Trademark Application:							
Between Filing and Examiner's First Action[2]	6.0	10.2	11.5	11.0	8.4	8.3	5.3
Between Filing and Registration/ Abandonment[2]	16.2	17.9	24.9	24.0	21.3	20.3	19.1

[1] A single certificate of registration is issued for an application covering more than one class, but elsewhere in this table, applications are counted extra times for extra classes.

[2] Average pendency time in months.

Table 19.—TRADEMARK APPLICATIONS FILED FOR REGISTRATION AND RENEWAL AND TRADEMARK AFFIDAVITS FILED

(1965–1984)

Year	For Regis.	For Renewal	Section 8 Affidavit	Sec. 12(c) Affidavit
1965	26,657	3,049	13,923	308
1966	28,438	3,695	13,705	518
1967	27,628	3,844	11,156	341
1968	28,292	4,089	12,116	231
1969	31,268	6,267	13,890	90
1970	33,807	6,329	14,283	59
1971	32,803	6,189	12,263	76
1972	33,741	5,980	13,256	46
1973	[1]36,204	5,614	13,605	74
1974	34,193	5,633	13,259	55
1975	33,898	5,687	14,644	29
1976[2]	37,074	6,833	15,665	24
1977[2]	44,539	5,854	13,463	30
1978	50,106	5,567	13,351	77
1979	50,672	5,623	13,864	10
1980	52,149	5,892	13,633	85
1981	55,152	5,693	17,071	40
1982	73,621	5,760	15,068	55
1983	51,014	5,438	12,544	46
1984	61,480	5,926	13,519	5

[1] Revised.
[2] The Transition Quarter, July 1, 1976, to September 30, 1976, has been omitted.

Table 20.—SUMMARY OF PENDING TRADEMARK APPLICATIONS AND TRADEMARK AFFIDAVITS

(As of September 30, 1984)

Stage of Processing	Applications		Affidavits	
	For Regis.	For Renewal	Under Sect.8	Sect. 12(c)
IN PREEXAMINATION PROCESSING	21,788	....	....	....
UNDER EXAMINATION:				
Amended, awaiting action by examiner	5,649	....	....	....
Awaiting first action by examiner	3,711	950	1,834	1
Awaiting subsequent action (by applicant, on appeal, in adversary proceeding, in clerical processing)	37,095	182	407	....
Total Under Examination	46,455	1,132	2,241	1
Total	68,243	1,132	2,241	1
IN POSTEXAMINATION PROCESSING (Includes all applications in all phases of publication and issue	38,342	158	....	2
TOTAL IN PATENT AND TRADEMARK OFFICE	106,585	1,290	2,241	3

Table 21.—SUMMARY OF CONTESTED TRADEMARK CASES

(Within the Patent and Trademark Office)

Trademark Trial and Appeal Board	Ex Parte	Cancel	Conc. Use	Inter.	Oppos.	Total
Cases Pending as of 9/30/83	353	660	68	0	2,497	3,578
Cases Filed During FY 1984	872	500	31	1	1,829	3,233
Disposals During FY 1984:						
Before Hearing	381	386	23	0	1,297	2,087
After Hearing	271	20	2	0	94	387
Total	652	406	25	0	1,391	2,474
Cases Pending as of 9/30/84:						
Awaiting Decision	29	6	0	0	8	*43
In Process Before Hearing	483	668	64	1	2,785	4,001
Suspended	61	80	10	0	142	293
Total	573	754	74	1	2,935	4,337
Requests for extension of time to oppose						8,207

* Includes eight cases remanded to Trademark Examination, which the Board could not act on until returned.

Table 22.—TRADEMARKS REGISTERED, RENEWED, AND PUBLISHED UNDER SECTION 12(c)[1]

(1965–1984)

Year	Registered[2]	Renewed	Published Under 12(c)
1965	19,452	2,870	336
1966	18,671	3,441	497
1967	20,604	3,820	403
1968	20,385	3,726	290
1969	20,306	5,442	182
1970	21,974	6,370	103
1971	21,686	6,380	112
1972	21,062	5,836	56
1973	25,432	5,398	69
1974	24,838	5,984	54
1975	27,324	5,474	25
1976[3]	28,102	6,914	56
1977[3]	25,026	6,251	21
1978	28,921	5,254	84
1979	22,210	5,404	34
1980	14,614	5,862	54
1981	31,306	5,884	77
1982	39,025	6,070	71
1983	41,179	5,695	74
1984	45,475	5,678	22

[1] Includes withdrawn numbers.
[2] Certificates of registration issued.
[3] The Transition Quarter, July 1, 1976,to September 30, 1976, has been omitted.

Table 23.—TRADEMARK SERVICES WORKLOAD

(Fiscal Year 1984)

Copies Certified:	
(Includes Status/Title Certified Copies)	11,708
Title Searches for Copies (Uncertified)	[1] 19,435
Status Copies (Uncertified)	4,534
Search Room:[1]	
Copies of New Registrations Filed in Registered File	208,807
Copies of New Drawings Filed in Pending File	255,694
Expired/Cancelled Marks Pulled from Registered File	39,610
Abandoned Marks Pulled from Pending File	7,734
Official Register:	
Affidavits Stamped on Mark	12,635
Renewals Stamped on Mark	5,378
Cancellations Stamped on Mark	10,065

[1] These functions were transferred to the Office of Patent and Trademark Services as of April 1984.

Table 24.—UNITED STATES TRADEMARK APPLICATIONS FILED BY RESIDENTS OF FOREIGN COUNTRIES

(1981-1984)

Country	1981	1982	1983	1984
Albania	0	0	1	0
Algeria	1	0	0	0
Argentina	13	21	24	14
Australia	136	176	153	255
Austria	35	120	36	63
Bahamas	4	20	4	8
Bahrain	0	1	1	0
Barbados	3	1	0	1
Belgium	49	93	56	82
Benelux Convention	0	1	0	3
Bermuda	17	7	10	9
Bolivia	0	0	1	2
Brazil	42	66	64	76
British Virgin Islands	0	0	0	7
Canada	859	1,342	887	1,134
Cayman Islands	0	14	0	6
Channel Islands	0	0	1	3
Chile	12	9	9	7
China				
People's Republic of	33	73	95	82
Taiwan	38	82	85	179
Colombia	7	22	6	18
Costa Rica	3	1	4	3
Cuba	0	0	1	2
Cyprus	0	0	1	1
Czechoslovakia	3	2	2	0
Denmark	54	87	62	134
Dominica	0	0	2	0
Dominican Republic	6	2	6	9
Ecuador	1	2	5	3
Egypt	3	0	1	0
El Salvador	2	1	1	5
Fiji	1	0	0	0
Finland	37	64	46	66
France	689	1,293	717	1,080
Germany, Dem. Republic of	3	5	1	2
Germany, Fed. Republic of	696	1,196	733	1,110
Ghana	0	2	0	0
Gibraltar	0	0	2	1
Greece	4	6	5	3
Guam	0	0	1	0
Guatemala	3	5	0	2
Guyana	0	1	0	0
Haiti	0	1	2	0
Honduras	0	0	1	1
Hong Kong	90	169	114	155
Hungary	3	14	3	17
Iceland	4	14	2	1
India	4	2	4	11
Indonesia	0	2	5	7

Table 24.—UNITED STATES TRADEMARK APPLICATIONS FILED BY RESIDENTS OF FOREIGN COUNTRIES—Continued

(1981-1984)

Country	1981	1982	1983	1984
Iran	6	1	12	4
Ireland	19	10	12	19
Israel	22	46	32	27
Italy	367	1,020	399	791
Jamaica	0	5	0	0
Japan	613	911	719	958
Kenya	0	1	0	0
Kiribati	1	0	0	0
Korea, Dem. Republic of	0	1	4	17
Korea, Republic of	14	21	38	64
Kuwait	0	0	0	1
Lebanon	5	0	3	4
Liberia	2	1	4	2
Liechtenstein	20	20	17	20
Luxembourg	1	9	6	7
Macao	3	1	0	0
Madagascar	9	1	0	0
Malaysia	1	0	2	1
Malta	0	0	1	0
Mexico	58	90	95	93
Midway Islands	0	0	1	0
Monaco	3	17	3	8
Morocco	0	1	1	1
Nauru	6	1	0	0
Netherlands	120	276	184	226
Netherlands Antilles	0	0	21	20
New Zealand	26	71	38	50
Nicaragua	1	0	6	0
Nigeria	0	0	1	2
Norway	19	28	25	42
Pakistan	0	0	0	3
Panama	10	21	25	27
Papua New Guinea	0	0	0	1
Peru	2	1	5	7
Philippines	15	4	2	5
Poland	3	4	0	6
Portugal	59	98	14	12
Qatar	1	0	0	0
Romania	2	4	2	6
San Marino	1	0	0	0
Saudi Arabia	2	1	1	4
Singapore	10	12	0	3
South Africa	21	48	21	35
Soviet Union	9	16	14	4
Spain	107	160	122	163
Sri Lanka	1	0	1	3
Surinam	2	0	0	0
Swaziland	0	0	0	1
Sweden	124	236	149	258
Switzerland	250	380	217	369

Table 24.—UNITED STATES TRADEMARK APPLICATIONS FILED BY RESIDENTS OF FOREIGN COUNTRIES—Continued

(1981-1984)

Country	1981	1982	1983	1984
Syria	1	0	0	0
Thailand	2	1	11	7
Trinidad & Tobago	1	4	3	1
Tunisia	0	0	1	0
Turkey	0	0	0	3
Turks and Caicos Islands	0	0	1	0
United Kingdom	597	945	618	824
Venezuela	5	22	15	12
Vietnam	2	1	0	1
Yugoslavia	4	48	6	5
Zaire	0	0	0	1
Zimbabwe	0	1	0	0
Total	5,402	9,456	6,006	8,680

Table 25.—TRADEMARKS REGISTERED BY THE UNITED STATES TO RESIDENTS OF FOREIGN COUNTRIES

(1981-1984)

Country	1981	1982	1983	1984
Argentina	14	6	13	20
Australia	52	40	110	98
Austria	32	16	59	59
Bahamas	0	0	12	5
Barbados	0	0	1	0
Bahrain	0	0	0	1
Belgium	30	16	46	57
Belize	0	0	0	1
Benelux Convention	0	0	1	1
Bermuda	0	0	7	8
British Virgin Islands	0	0	13	12
Brazil	22	21	42	52
Canada	288	378	814	856
Cayman Islands	0	0	5	0
Chile	1	0	6	8
China				
People's Republic of	6	27	37	65
Taiwan	3	4	69	75
Colombia	2	0	11	8
Costa Rica	0	0	0	1
Cuba	1	0	7	5
Czechoslovakia	4	1	4	1
Denmark	27	15	53	76
Dominican Republic	0	0	2	1
Equador	0	0	0	4

Table 25.—TRADEMARKS REGISTERED BY THE UNITED STATES TO RESIDENTS OF FOREIGN COUNTRIES—Continued

(1981-1984)

Country	1981	1982	1983	1984
El Salvador	0	1	1	0
Ethiopia	0	0	2	1
Fiji	0	0	1	0
Finland	8	12	33	77
France	266	355	720	956
Germany, Democratic Republic of	0	0	1	23
Germany, Federal Republic of	358	408	797	1,094
Greece	6	2	3	5
Grenada	0	0	1	0
Guatemala	0	0	1	5
Guyana	0	0	0	1
Haiti	0	0	0	1
Hong Kong	52	33	78	89
Hungary	0	1	6	3
Iceland	2	0	2	7
India	0	2	3	5
Indonesia	0	0	0	2
Iran	0	0	7	6
Ireland	6	7	16	16
Israel	6	14	21	31
Italy	155	194	428	548
Jamaica	0	0	2	0
Japan	271	335	585	751
Jordan	0	0	0	3
Kenya	0	0	1	0
Korea, Republic of	9	2	12	20
Kuwait	1	0	0	0
Lebanon	0	0	1	0
Liberia	1	0	3	0
Libya	0	0	1	0
Liechtenstein	3	9	23	25
Luxembourg	0	1	1	7
Malaysia	0	0	3	5
Mexico	18	20	42	45
Monaco	1	0	5	2
Morocco	0	0	0	1
Netherlands	51	36	131	168
Netherlands Antilles	0	0	11	39
New Zealand	19	14	31	35
Nicaragua	0	0	0	2
Norway	2	7	30	17
Panama	4	6	15	13
Peru	2	0	2	3
Philippines	0	1	10	3
Poland	0	0	4	3
Portugal	2	4	10	15
Romania	3	1	3	3
San Marino	0	0	1	0
Saudi Arabia	0	0	2	2
Singapore	0	0	8	4

Table 25.—TRADEMARKS REGISTERED BY THE UNITED STATES TO RESIDENTS OF FOREIGN COUNTRIES—Continued

(1981-1984)

Country	1981	1982	1983	1984
South Africa	20	9	29	28
Soviet Union	5	1	12	14
Spain	54	76	128	102
Sri Lanka	0	0	1	0
Sweden	52	91	160	186
Switzerland	123	144	266	271
Thailand	0	0	3	2
Trinidad/Tobago	0	0	1	4
Turkey	0	0	0	1
United Kingdom	225	183	590	687
Uruguay	0	0	0	1
Venezuela	1	5	2	12
Vietnam	0	0	2	1
Yugoslavia	0	0	2	36
Total	2,208	2,498	5,566	6,795

Table 26.—SUMMARY OF SERVICES FURNISHED TO THE PUBLIC AND GOVERNMENT AGENCIES

(For a Fee or Without Charge)

Item Service Furnished	Totals
ASSIGNMENTS[1]:	
Abstracts of Title	1,132
Certified Copies of Documents	9,888
Documents Recorded	87,226
Photo Copies Prepared	28,630
Title Reports	24,431
Issue Searches[2]	74,374
CERTIFIED DOCUMENTS[3]	92,558
DRAFTING:	
Accomplishments by P.T.O. Draftsmen:	
Drawing Sheets Inspected:	
Preexamination	271,353
Postexamination	129,354
Total	400,707
Total Drawings Sheets Corrected[4]	1,118
Lost Drawings Replaced:	
Contractor	392
PTO Draftsmen	209
Accomplishments by Bonded Draftsmen:	
Corrections Requested	16,047
Corrections Completed	15,842
Submission of new drawings/corrections by applicants	3,960
Ending Inventory (applications awaiting corrections not requested)	5,346
PATENT AND TRADEMARK COPIES SUPPLIED:	
National Archives[2]	216,627
Foreign Exchange Programs[2]	3,393,823
Depository Library Subscriptions	1,299,762
Orders Received from the Public	2,262,642
Total Copies Supplied	7,172,854
PATENT AND TRADEMARK PAGES REPRODUCED[5]	19,907,879

[1] Briefs of all legal documents recorded against a specific patent or trademark property.
[2] Without charge.
[3] Copies of patent and trademark official file wrapper copies.
[4] Corrections to patent and trademark application drawings.
[5] To fill orders for copies of patents and trademarks.

Table 27.—ACTIONS ON PETITIONS TO THE COMMISSIONER OF PATENTS AND TRADEMARKS

(During Fiscal Year 1984)

Nature of the Petition	Totals
PATENT MATTERS	
Acceptance of:	
Amendments Filed After Payment of Issue Fee	111
Late Assignments	33
Late Issue Fees	712
Late Priority Papers	73
Access	36
Certificates of Correction	5,543
Deferment of Issue	88
Filing Date	805
Interference	47
Make Special:	
Infringement/Manufacture	234
Other	539
Miscellaneous	609
New Notice of Allowance	29
Public Use	5
Reexamination Proceedings	33
Restriction	68
Revivals	1,920
Rule 47 (37 CFR 1.47)	490
Supervisory Authority	368
Suspend Rules	38
Withdrawal of Attorney	1,589
Withdrawal from Issue	289
Change of Inventorship	94
Withdrawals of Holding of Aband./Pat. Lapse	460
Total Actions on Patent Petitions	14,213
OTHER RELATED PATENT MATTERS	
Applications Involving 37 CFR 1.56:	
Receipts Under 37 CFR 1.56(a)	197
Receipts Under 37 CFR 1.56(c)	6
Total Receipts	203
Disposals:	
Abandoned	90
Decisions Refusing Action Under 37 CFR 1.56(c)	4
Stricken Under 37 CFR 1.56(c)	0
Decisions Refusing Rejection Under 37 CFR 1.56(d)	58
Total Disposals	152
TRADEMARK MATTERS	
Acceptance of Late Filed:	
Fees (Excluding Section 8)	3
Papers (Excluding Section 8)	12
Decision by Examiner	10
Extensions of Time	9
Interferences	3
Revive	522
Make Special	141
Requesting Recordation in Assignment Division	8
Restore Jurisdiction to Examiner	2

Table 27.—ACTIONS ON PETITIONS TO THE COMMISSIONER OF PATENTS AND TRADEMARKS—Continued

(During Fiscal Year 1984)

Nature of the Petition	Totals
Sections 8 or 15	14
Supervisory Authority (2.146(a)(3))	16
Miscellaneous	24
Total Actions on Trademark Petitions	764
PETITIONS AWAITING ACTION AS OF 9/30/84:	
Patent Matters	285
Trademark Matters	20

Table 28.—CASES IN LITIGATION

(Selected Courts of the United States)

Courts of the United States	Adminis. Review	Pat	TM	Total
SUPREME COURT				
Petitions for Writ of Certiorari				
Cases Pending as of 9/30/83	0	0	0	0
Cases Filed During FY 84	0	1	0	*2
Total	0	1	0	*2
Disposals:				
Denied	0	0	0	0
Dismissed	0	0	0	0
Granted	0	0	0	0
Affirmed	0	0	0	0
Total Disposals	0	0	0	0
Total Cases Pending as of 9/30/84	0	1	0	*2
UNITED STATES COURTS OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT				
Cases Pending as of 9/30/83	0	0	0	0
Cases Filed During FY 84	0	1	0	1
Total	0	1	0	1
Disposals:				
Affirmed	0	0	0	0
Dismissed	0	0	0	0
Reversed	0	1	0	1
Remanded	0	0	0	0
Total Disposals	0	1	0	1
Total Cases Pending as of 9/30/84	0	0	0	0
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA				
Cases Pending as of 9/30/83	2	11	1	14
Cases Filed During FY 84	1	10	0	11
Total	3	21	1	25
Disposals:				
Affirmed	0	4	0	4
Dismissed	2	5	1	8
Reversed	0	0	0	0
Affirmed-in-Part	0	0	0	0
Remanded	0	0	0	0
Total Disposals	2	9	1	12
Total Cases Pending as of 9/30/84	1	12	0	13

* Includes one interference case.

Table 28.—CASES IN LITIGATION—Continued

(Selected Courts of the United States)

	Ex Parte		Inter Partes		Total
	Pat	TM	Pat	TM	
UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT					
Cases Pending as of 9/30/83	42	3	10	21	76
Cases Filed During FY 84	95	17	18	52	182
Total Receipts	137	20	28	73	258
Disposals:					
Affirmed	52	7	5	31	95
Affirmed-in-Part	3	0	0	0	3
Dismissed	16	2	4	17	39
Remanded	2	0	0	0	2
Reversed	11	2	2	6	21
Writs of Mandamus:					
Denied	2	0	0	0	2
Granted	0	0	0	0	0
Dismissed	0	0	0	0	0
Total Disposals	86	11	11	54	162
Total Cases Pending as of 9/30/84	51	9	23	19	102

Table 29.—CASES IN LITIGATION

(Other Jurisdictions–Reported Cases)

Month	Patent Suits				Trademark Suits			
	Filed	Patents Involved	Decs.	Patents Involved	Filed	TM's Involved	Decs.	TM's Involved
October 1983	41	69	29	37	64	204	22	74
November	60	78	30	43	70	213	28	120
December	55	67	23	40	74	325	33	110
January 1984	42	53	21	33	82	234	24	76
February	33	41	18	23	60	218	21	72
March	54	76	41	50	90	289	53	167
April	67	95	19	23	82	388	38	138
May	70	87	23	27	86	342	29	124
June	54	82	26	38	61	213	36	94
July	54	71	29	36	87	447	53	86
August	59	89	16	17	75	223	32	113
September 1984	43	68	17	24	65	236	22	99
Totals	632	876	292	391	896	3,332	391	1,273